[Mr. V. Subba Aiyar.]

PRESIDENT: I take it that the Council accepts the motion.
The motion was carried.

THE VILLAGE PANCHAYATS BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to introduce the Village Panchayats Bill. The Bill has been published with the permission of the Dewan; and it is therefore not necessary to move for leave to introduce it. I therefore beg to move that the Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I beg to second the motion.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may now explain the general principles and the scope of the Bill. Everywhere the cry has been that there should be an increased association of the people in the work of administration, and it is with that view that a scheme of local self-government has been started. So far as Travancore is concerned, we have it in the urban areas and that has been in existence for the last twenty-five years. But no attempt has yet been made to introduce it in the rural areas. The urgent necessity for its extension to rural areas will be evident from the following extract from the Government of India's Resolution of 1918 on Local Self-Government:—

"The domain of urban and rural self-government was the great training ground from which political progress and a sense of responsibility have taken their start and it was felt that the time has come to quicken the advance, to accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience."

In accordance with this pronouncement, village panchayats have been established in British India in the various provinces and also in other Indian States. So far as Travancore is concerned, the people here have not been backward. In other words, there has not been any want of agitation in this particular matter. We find that, so early as 1912, Mr. P. Kesava Pillai, the Quilon Member of the Assembly, said:

"There were many things in the village to be attended to, such as the maintenance of village roads, etc. Therefore administrative powers should be given to village panchayats."

In other words, he advocated the constitution of administrative village panchayats.

Later on, in 1914 the Member for Tiruvalla, Ramavarmaru Godavarmaru Koviladhikarikal, said:

"The maintenance of village roads, lanes and water courses, the improvement of agriculture, primary education, village sanitation and hygiene were some of the matters that could be safely entrusted to the Boards".

So we see that he also advocated the same thing. In 1915, we find Mr. A. Govinda Menon suggesting the extension of the sphere of local self-government by the constitution of District, Taluk and Village Boards. He said:

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"Additional taxation would be necessary in case those bodies were established ; but it would be borne cheerfully by the people, provided the Government were also willing to come to their help with a willing heart and an open hand".

Then again, in 1916, Mr. Parasurama Aiyar, B. A., the member for Kunnattur, urged the formation of village and other boards, to train the people in the ideas of self-government and to make them realise that the interests of the people and of the Government are identical. This would, he urged, lighten the task of administration devolving on the Government and increase the convenience of the people.

In 1918, Mr. Ramakrishna Panikkar of Haripad said :

"The clamour for schools is increasing. There is a good deal of work to be done under agriculture. Under public works and sanitation, much useful work has to be done. It is impossible for the Government to accede to all these requests. It is highly necessary to form village and other boards and also to levy a local cess".

In 1919, Mr. Narayana Panikkar, the member for Tiruvalla, suggested the formation of village boards and the entrusting to them of the agriculture, education, industries, medical aid and means of communication within the limits of their jurisdiction.

In 1920, Mr. Tariatu Kunjitomman submitted that the requirements of the people in the interior of the taluks were not being satisfied, and that the only remedy for removing the grievances of the people in the interior was the constitution of village and taluk boards. He also suggested that panchayat courts should have criminal powers.

From the above, it is clear that there was an insistent demand for the present measure from 1912 to 1920. The Dewan, in his opening address at the seventeenth session of the Sri Mulam Popular Assembly, observed as follows :—

" It is under contemplation to widen the sphere of local self-government, by extending it to rural areas; and with this object, the Additional Head Sirkar Vakil is engaged in drafting a Local Boards Bill. It is the intention of Government to create two sets of local bodies. One will be the Village Administrative Panchayat with specific sources of income and definite powers and responsibilities, such as the maintenance and control of local roads and ferries and the supervision of primary education and local sanitation. The other will be the District Council, representative in its constitution and mainly advisory in regard to its functions. It will be the recognised body for dealing with local needs and for advising District Officers in regard to agricultural, industrial, co-operative and other matters connected with the well-being of the locality served by it."

With a view to give effect to that pronouncement, the present Bill has been drafted, and it was published, I believe, about a year ago. I will now place before the Council the salient features of the Bill itself.

The first chapter of the Bill deals with preliminary matters such as definitions.

The second chapter deals with the constitution of the Village Boards. Government have power to declare any particular revenue village or groups of villages as being a village for the purpose of this Regulation. Each village will contain a Panchayat consisting of not less than five and not more than eleven members. Of these, not less than two-thirds will be elected and the remaining number of members

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[Mr. V. Subba Aiyar.]

will be nominated. Each member will hold office for three years. The qualifications for being a member will be that he should have completed twenty-one years of age, that he should not be of unsound mind and that he should reside within the village. Any person who is not under twenty-five years of age can be returned as a member of the Panchayat. The sex disqualification has been removed, and every person, male or female, will be eligible to be returned as a member and can also vote.

The next chapter deals with the functions of the Village Panchayat. It will be found from the extracts that I read from the various representations made in the Sri Mulam Popular Assembly that the members wanted that the Village Panchayat should undertake all the duties with reference to very many matters pertaining to the village itself. With that end in view, certain duties have been declared to be *obligatory* on the Panchayat and certain others have been declared to be *discretionary*. Of course, the classification of the duties into 'obligatory' and 'discretionary' need not be considered to be a hard and fast one. It is open to this House to add to the number of obligatory duties or to reduce their number and add to the number of discretionary duties. The construction, maintenance and repair of communications and drains, the cleaning of streets, the excavation, maintenance and improvement of wells and tanks for the supply of water to the public for drinking and bathing, the construction and maintenance of bathing ghats, the opening and maintenance of burial grounds, the control and management of cattle pounds, and the enforcement of sanitation and vaccination will be the obligatory duties imposed on the Village Panchayat. So far as the discretionary duties are concerned, primary education, the lighting of public places, planting of avenue trees, excavation and maintenance of ponds for animals, improvement of agriculture, prevention of mortality of cattle, and the development of cottage industries form the important discretionary duties of the Village Panchayat.

So far as the address of the Dewan, that I read, is concerned, the idea at that time was to make it a purely administrative Village Panchayat. Subsequently, it was thought desirable that each Village Panchayat should be a self-contained unit in itself and that, if necessary, the Village Panchayats should later on be entrusted with the powers of the Village Panchayat Courts under the Village Panchayat Courts Regulation, Government having the power to make such modifications as may be deemed necessary if the Village Panchayat is found to be incapable of exercising all the powers under the Village Panchayat Courts Regulation. Government may empower them to try cases up to the value of Rs. 100, or, if it is not desirable, Government may entrust them with cases of smaller value. It is open to Government to prescribe by rules the procedure of the Panchayats in such matters. It was also thought desirable to entrust these Panchayats with criminal jurisdiction also, limited to petty offences; for instance, voluntary causing of hurt with or without provocation or assault, theft or mischief in relation to

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property not exceeding a value of Rs. 10, and intentional insult with intent to provoke breach of the peace. These offences which are of a trivial nature are proposed to be left to be tried by the Village Panchayats. Government also consider that the Panchayats are competent to try offences under the Cattle Trespass Regulation, *viz.*, forcibly opposing the seizure of cattle or forcibly rescuing the same, and also some of the offences under the Police Regulation if that Regulation is extended to a village.

So far as the power to fine is concerned, it has been limited to Rs. 10 in the case of offences under the Travancore Penal Code, Rs. 5 in the case of offences under the Cattle Trespass Regulation, and Rs. 2 in the case of offences under the Police Regulation. So, the Village Benches are not empowered to impose any heavy fine. They are also under certain restrictions as to the cases to be tried. No European British subject can be tried by them. The conviction by a Village Panchayat will not be regarded as previous conviction for the enhancement of sentence later on. These are the provisions with reference to criminal jurisdiction and sufficient safeguards have been taken to see that there is no miscarriage of justice.

The next and most important portion of the Bill is the constitution of the village fund. It will be conceded by the House that, however much any willing Government may try to administer to the needs of the whole population of the State and to the innumerable villages in the State, it will not be possible to pay the necessary attention throughout the State and that is just what Mr. Kunjitomman referred to in his representation in the Assembly, so much so that, I remember, that he humorously observed once that, as far as possible, the distribution of public funds must begin from the north. Therefore it will be seen that on account of the growing needs of the people it may not be possible to satisfy all the villages. I may assure the House that it is not the object of the Government at all to back out from their responsibility to supply the necessary funds so far as village administration goes. On the other hand, the main object is that whatever money may be granted by the Government, coupled with whatever money the villages may be able to levy, should be spent *in* the villages, *for* the villages and *by* the villages. That is the only object with which the Bill has been introduced. The idea is to constitute village funds and empower the Village Panchayats to levy a small cess. It has not been done with a view to impose fresh burdens on the people; and the only object in providing for it is that there may be an incentive for the people to collect some money, to get the requisite money from the Government and to spend it entirely in the discharge of the various obligatory and discretionary functions mentioned in the Regulation. Therefore, I beg to submit that there should no misunderstanding when it is stated, in one of the clauses of the bill, that the Village Panchayat shall levy a small cess on land with the approval of Government. It is not with a view to levy any fresh taxes.

MR. JOSEPH PANJIKARAN (*Shertallai*): What portion of the revenue collected —

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[Mr. V. Subba Aiyar.]

PRESIDENT: A little louder, please.

MR. JOSEPH PANJIKARAN (*Shertallai*): What portion of the revenue collected by the Government will be given to the Village Panchayats?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I say the contribution is mentioned there. Let me finish. I will come to that. The whole of the land cess collected will be spent by the village and that is just what I was saying. And there will be a contribution from Government. That also will be spent by the village.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know from Mr. Subba Aiyar if there is any provision in the Bill regarding the contribution to be made by the Government.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may assure the House—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask him if there is any provision in the Bill?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amount has not been specified; but there is a specific provision in the Bill.

PRESIDENT: Clause 45, part (8).

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether my friend is also referring to part 8 of clause 45?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. The House need not be alarmed on account of the fact that it has not been made obligatory on the Government to make contributions. I can assure the House that the Government do not want to divest themselves of their responsibility. There is no such intention on the part of the Government. On the other hand, if the House wants a definite assurance, the necessary provision may be made in the Select Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will Mr. Subba Aiyar give us any idea as to what, according to him, would be a reasonable contribution?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At this stage, I may say that it would be probably an amount equal to that collected by the Panchayat in the shape of land cess. That, I think, fairly, will be the amount that will be contributed by the Government. I beg to submit that that assurance will be quite enough and the amount of the cess to be levied will depend upon the local requirements of each village. No maximum or minimum can be fixed. It may be one cash per rupee or two cash or four cash or eight cash, whatever the Panchayat considers necessary for its due management. That is why I have been pressing the point, *viz.*, that it is not the object of the Government to divest themselves of responsibility. On the other hand, it is the intention and desire of the Government to see that the village collects some money itself and gets an equal amount from the Government, the whole

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of it being spent in the village itself, because administration by the village itself would be better done and done cheaper also. It is with that view that these Panchayats are constituted.

Then the other chapter of the Bill is only the miscellaneous chapter containing various clauses on miscellaneous matters.

From what I have said, it is perfectly clear that the object of Government is to start self-government from the very bottom, *viz.*, from the village itself, in other words, to make the village a vital part in the system of government. Therefore, the experiment that is now proposed, I venture to submit, is a very great experiment. It will certainly make the villagers self-reliant and influential and imbued with a high sense of civic responsibility. I believe everybody will endorse the view that, so far as Travancore is concerned, whether in literacy or in public spirit or in political consciousness, it is not behind of any other State or Province in British India; and, therefore, when the Government propose to start local self-government in the rural areas with a view to improve the conditions of such rural areas, I hope that this House will lend its hearty support and enable the Government to pass the measure.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): On principle, Sir, I would welcome every measure contemplated to widen the sphere of local self-government. But I wish to draw the attention of this House to one or two features which I consider to be very important in relation to this Bill. The Dewan has stated, in his address to the Popular Assembly in 1921—and this has been reiterated by Mr. Subba Aiyar, the mover of the Bill—that it is the intention of Government to create two sets of local bodies. One will be the Village Administrative Panchayat and the other the District Council. The District Council will be the recognised body for dealing with local needs and for advising District Officers in regard to agricultural, industrial, co-operative and other matters connected with the well-being of the locality served by it.

The Bill in hand deals only with the first set of local bodies contemplated above, *viz.*, the Village Panchayats. I have not heard anything from my friend in regard to District Councils. It appears to me desirable, nay essential, that the two measures should be taken up together, as otherwise we might miss the advantages arising from the simultaneous handling of two measures whose correlation and interdependence cannot be lost sight of. In fact, the institution of Village Panchayats without some body of the nature of the District Council will retard the successful working of the smaller bodies.

As it is, we have to consider the merits of this measure independent of the second set of local bodies contemplated by Government. In that view, I am clearly of opinion that a less ambitious scheme should satisfy the rural areas at this stage. From the representations made by members of certain municipal councils at the Popular Assembly, it will have

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been noticed that several areas brought under the Municipal Regulation do not deserve to be treated as municipal towns and that they are more rural than urban in character. There have been persistent complaints from some of these municipal bodies that they are asked to impose certain municipal taxes when, as a matter of fact, they can well afford to do without them. They feel that the duties and obligations imposed upon them by the Municipal Regulation are unnecessary encumbrances which they are willing to be relieved of at the earliest opportunity. These sentiments should not, and need not, mislead the Government as being an index on the part of the public as to their willingness to shoulder the responsibility of local self-government. But they are oftentimes the expressions of the unsuitability of particular measures in particular areas.

Now then, the Village Panchayat Regulation will have no application, and rightly too, to municipal areas. In that case, we have to see whether, without revising the municipal limits in certain localities, the contemplated Bill will be productive of the results anticipated by such a measure.

I do not mean to examine *in extenso* the several provisions in the Bill, but I desire to make a few observations regarding the functions of the Village Panchayat and the financial chapter in the Bill.

With regard to the functions, I am of opinion that the allocation of obligatory and discretionary duties made in the bill is altogether unsatisfactory. To import into the Bill provisions similar to those found elsewhere is not to understand the local conditions. To the rural population in our country, such matters as the control and management of cattle pounds, the opening and maintenance of burning and burial grounds, the construction and maintenance of bathing ghats, the excavation, maintenance and improvement of wells and ponds for the supply of water to the public for drinking and bathing are but of secondary importance. The cleaning of streets and enforcement of sanitation and vaccination are good in themselves; but to impose those duties upon the Panchayats at this stage without at the same time ascertaining what functions will thereafter be exercised by the Sanitary Department requires explanation. I have serious doubts as to what can be achieved by a Village Panchayat within the limits of the fund at its disposal in the matter of the construction, maintenance and improvement of communications and drains. I have not been able to understand the full significance of the vague *proviso* that—

"Nothing in the Regulation shall be deemed to impose any duty or confer any power upon the Panchayat with respect to any matter in so far as it is under the direct administrative control of any department of Government."

Again it is unfortunate that matters of primary importance, so far as agriculturists are concerned, are relegated to the category of the discretionary duties of the Panchayat. The control of cattle-stands, grazing

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grounds and other communal *porambokes*, the improvement of agriculture and agricultural stock and the prevention of cattle mortality, the promotion and encouragement of cottage industries, and the discharge of the functions of irrigation boards are matters which should attract the foremost attention of these local bodies. In fact, the necessity for these local bodies has been felt, if at all, for the proper and more efficient and satisfactory handling of such matters that vitally affect the rural population of the country.

With regard to the village fund, my objection to the Bill is mainly in regard to its financial chapter. The village fund is constituted chiefly of (1) fees and fines relating to the exercise of the judicial functions of the Panchayat, (2) contribution and assignment of sums given by Government, and (3) village rates levied by way of cess on lands within the village. Now the prospects of realising any decent income out of fees and fines are very gloomy. It is perfectly vague as to what policy or principle they would adopt in this respect from time to time. In regard to the contribution from Government, it is extremely refreshing that the mover of Bill has assured the House that Government do not intend to divest themselves of their responsibility in regard to this matter. Nevertheless, we cannot be satisfied with that assurance. The third and perhaps the only sure method of deriving a revenue is out of cess on lands within the village at such rates as may be prescribed by the Government. The Bill further adds that the Panchayat may impose taxes, rates or fees in addition to the cess on lands.

It has been stated by Mr. Subba Aiyar that the pious intention that has been expressed on behalf of Government amounts merely to this *viz.* that they will be prepared to invest, on account of these local bodies, sum equal to that collected by such bodies by way of cess on lands. This statement, along with the proviso which asks the local bodies to raise any cess at such rates as may be prescribed by Government, does not go further than authorising the Panchayat to impose additional taxation.

It has been noted already that the construction, maintenance and improvement of communications and drains are classified among the obligatory duties of the Village Panchayat and that it will be open to Government to direct the villages concerned to attend to such work as they may deem necessary. The complaints and local grievances now brought to the notice of Government will then be referred back to the Village Panchayat whose primary duty will be to attend to such needs. This would perhaps be most welcome, provided the villages had the wherewithal to carry out such works. But where should they go for funds? They will have to appeal to themselves unless, of course, the contributions from Government supply the need. It is extremely discouraging that the contribution from Government should be measured by the amount that the local bodies are themselves prepared to raise as land cess. As to such contribution—even as to this *small* contribution, as I would call it—there is no guarantee that it will be proportionate to the needs or even that it will continue to be forthcoming. There is no indication

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thereof in the Bill before us. As a result, villages will have at last to fall back mainly on their own resources to supply their own needs. This principle has already been partly applied to municipal bodies. And it might be asked whether there is anything unfair in it. I do not wish to enter into a discussion at this stage on the principle that should guide the central Government in regard to local needs. But I may be permitted to make a few observations on this matter so far as they are relevant to the financial provisions in this Bill. It has been well recognised by the Government, as can be seen from the Dewan's address to the Popular Assembly in 1921, that it would be advisable not to go in for any fresh impost on land. The Village Panchayat Regulation will affect mainly the agriculturists and they already contribute a very decent proportion of the State revenues by way of land revenue. They are further subjected to several other items of indirect taxation. They have to liberally contribute towards the expenditure incurred in connection with minor irrigation. In that view, is it fair that the villagers should further be taxed before they can claim the benefits that would contribute to their material prosperity? In these circumstances, it appears to me essential that the relationship between the central Government and the local bodies in the matter of finance should be clearly defined before any such measure is passed into law. I wish it will be recognised by the Government that land tax, as such, should gradually cease to be a source of national income and that in course of time it should be allowed to be appropriated by local bodies for local needs. So, instead of asking the Village Panchayats to replenish their resources by imposing a fresh cess on lands or other taxes upon the villagers, I should deem it necessary that a decent proportion of the land revenue should be set apart as constituting the normal contribution. Again, Government have declared their intention to extend the scope of their nation-building activities and the Dewan has said that it would not be wise to circumscribe them now. In that case, a large proportion of the revenues now allotted to sanitation and agriculture and industries should also be given to local bodies by way of grants or contributions. Unless the Government are prepared to make distinct provisions for the financial upkeep of the local bodies so as to enable them to undertake and carry out such works, so as to induce the rural population to take a living interest in local affairs, the constitution of such Panchayats will serve more as a pompous advertisement than prove a useful instrument of local self-government.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): When, on a previous occasion, Mr. Subba Aiyar wanted to introduce the Village Panchayat Bill at the fag end of a busy day in a busy session, I observed that it was a contentious measure; and luckily the idea of introducing it in that session was dropped. Subsequently, while engaged in conversation outside this hall, under the hospitable shade of that beautiful tree, I repeated my inteniton of opposing it and asked Mr. Subba Aiyar if he could give me a copy of the *Madras Village*

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Panchayat Act upon which the present Bill is modelled. Debate, Sir, has its courtesies and amenities no less than the battle-field and the tournament, and Mr. Subba Aiyar was good enough to give me a copy which I made some use of and returned to him; as he stipulated that, ere the fight began, his weapon should be handed back to him. (*Laughter.*)

The Village Panchayat Regulation, Sir, is, in the circumstances of Travancore, a misnomer. This puts me in mind of what the great satirist, Voltaire, said about the Holy Roman Empire, that it was neither holy, nor Roman, nor an empire. It is well-known that in Travancore there are no villages strictly so called. We have here only a vast expanse of isolated homesteads. My impression has all along been that there are no villages in Travancore except perhaps of a faint character in Nanjanad and perhaps in Shencottah. I looked up the authorities—Elphinstone, Munro, Baden Powell, R. C. Dutt and others—and I also went through certain recent books on the subject, and I have been re-assured that my opinion has not been wrong; because, I find villages are, according to these writers, clusters of houses and the surrounding lands with a legal name and known limits, with a community of interests and a feeling of solidarity. Descriptions of this nature are inapplicable to Travancore where, as I observed before, we find an expanse of isolated households. Villages in Travancore are only revenue villages, and they have been frequently dismembered and recombined to suit the exigencies of revenue administration. They have not very much of common aspirations, and their common aspirations, if any, are merged in the common aspirations of the State. Their activities are very little. Some of these villages are torn by communal and other dissensions when they are not overpowered by inaction and decay. In the *Census Report of 1921*—a document published under the authority of Government—we find that revenue villages or *pakuthies* are defined to be 'artificial units of inconvenient sizes'. An average *pakuthi* is 17·5 square miles and an average *kara* is 1·93 square miles. The authority to be vested in the Government, according to the Bill, to combine two or more villages under the guardianship of a single Board of Panchayatdars, is a virtual admission that our so-called villages are not well-marked units. I do not contend that villages were absolutely unknown to Travancore in all stages of its history. But, even if villages existed, they were deliberately suppressed by the central authority in the progress of our country towards monarchical centralisation.

I may, however, say that the Travancore Government have now realised that local self-government is very necessary not only in towns but also in villages. I am prepared to congratulate the Government on their resolve; but I have got many doubts as to how far it will be useful and profitable to the people of this country. No doubt, the general principles which have been accepted and acted upon by the British Government may give us various hints as to the policy we are to pursue; but differences of local conditions have to be taken into consideration and suitable modifications effected. So that, when I

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have pointed out that there are no villages strictly so called in Travancore, what I meant to suggest was that the Village Panchayat Regulation might not after all be so indispensable for our purposes in Travancore.

The Government desire to pass the Bill into law in order to afford greater facilities to non-officials in the administration of local affairs. But I am obliged to observe that that intention of the Government is greatly circumscribed by the provisions of this Bill. It is conceived and executed with a jealous parsimony. If you mean to give powers, Sir, to the people, you should give them such powers as are worth giving and such as are worth possessing. If you accept the principle of election, if you think that the country is ripe for the right of election to be accorded to the people, you must give full rights, and I cannot see any wisdom in reserving a certain number of Panchayatdars to be appointed by Government. My point is that even the Government are prepared to recognise the peculiar difficulties that have to be met with. There may be so many minorities, so many interests, and so many other difficulties, and perhaps the intention of the Government is to see that nobody suffers even when there are communal and other difficulties, and that no locality should be deprived of the assistance of representatives of particular interests. The Bill proposes to make a compromise between election and nomination. The usual paraphernalia of disabilities are paraded in the present Bill, such as those of dismissed Government servants and debarred Vakils. I take this opportunity, Sir, to say that the number of dismissed Government servants and debarred Vakils in Travancore is so small that I do not think it is necessary to draw pointed attention to their existence in this Bill (*laughter*), when Government themselves will admit that the instances have not been many where dismissed Government servants and debarred Vakils have been elected to popular bodies and their election has had to be declared invalid. While the Village Panchayat Act of Madras has fixed 25 as the qualifying age for a Panchayatdar, the Bill makes an unnecessary and erroneous deviation by reducing the age limit to 21. Of course, that is a minor point.

The provisions relating to the execution of certain works, the entrance to be effected into private buildings, the liability on the part of recalcitrant villagers to magisterial punishment for disobedience of orders issued by Panchayatdars, the elevation of costs to the bad eminence of an arrear of land revenue—these are but a few of the apertures for mischievous interference and occasional vindictiveness. The powers relating to the levy of license fees, cesses, and court fees will add to the burdens of the villagers without conferring upon them any proportionate benefits.

It has been observed by the previous speaker that ultimately it is the cultivator who will have to pay the duties. He has already been paying very much more than he can afford. Sir, the Income-Tax Regulation lays down that a tax may be collected from a person only in

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case his earnings amount to Rs. 2,000 or more. But, so far as land tax is concerned, for the simple reason that it is easy of being collected, the Government—not only the Travancore Government, but the Governments of various States—have been looking upon the cultivator as the one source from which they can exact any amount. There is no provision, so far as I am aware, to exempt a man from paying land tax simply because he is not able to make both ends meet. To say that he will ultimately have to pay all these cesses and taxes on the basis of his possessing some lands is not equitable. But the more serious objection is that the Bill proposes to give these Panchayats authority to decide criminal and civil cases of a certain kind.

While moving the resolution on Bench Magistrates, I made certain observations which showed, at any rate, *my* individual want of faith in the proper working of these judicial benches. During the last several months, I have not been able to change my conviction; on the other hand, the information that I have gathered during the period has only gone to strengthen the fears that I had originally entertained. Anyhow, in the case of the villages, the matter is very much more difficult. In towns, we *may* occasionally come across some educated people who are prepared to give their time and energy to the adjudication of cases between other townsmen. But in villages, the number of people who will take interest in such matters is very small. The number of people who are competent to take such interest is very much smaller. There are difficulties of locomotion; there is want of ferry-boats, bridges and good roads. The prominent question is that of distance from one place to another. Coupled with this there are the proverbial difficulties of the agriculturist. He will not be able to leave his land for a considerable portion of the year. To say that, under these circumstances, a Village Panchayat will be able to decide cases, criminal and civil, however trivial they may be, is an argument carrying very little conviction.

The punishment which these Boards are competent to inflict on offenders also stands on a very curious footing. According to the general law, according to the Penal Code, a magistrate of the first class or the second class has got powers to inflict punishments proportionate to the gravity of the offence. A theft, Sir, is a theft whether the property stolen is worth five rupees or fifty-thousand rupees. It may be a habitual offender that commits the theft, so that it is not the value of the property stolen but the act of the accused that is more important. Therefore, I fear that, when these Panchayats are given authority to decide cases of thefts when the property alleged to have been stolen is only ten rupees, it is really disadvantageous to the country, because, for the sake of getting a tribunal close at hand, in order to avoid the expense of going to a distant town where you can find a magistrate, a complainant elects to be satisfied by instituting a complaint in the tribunal, however imbecile and inefficient, which he could find near his own home. The result will be that punishments will lose their deterrent force, so that, in the course of a few years, we shall be creating an atmosphere where crimes will thrive and multiply. I am against inoculating the criminal section of society with the serum of light and ineffective punishment.

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[Mr. T. K. Velu Pillai.]

These matters are really serious, and I must repeat once more, for the kind consideration of yourself, Sir, and the members of this Council, that the proposal to constitute village people--some of whom are ignorant, others of whom are so grossly litigious, and still others who are so very indifferent to public affairs--to make them members of a Panchayat and to arm that Panchayat with authority will be going to lengths on which we shall not be able to congratulate ourselves in the future.

The success of local self-government depends on the habit of co-operation. A community of interest is at once the source and the aim of local self-government, and a very high authority says that this is always fostered by common traditions, interests and pursuits, where the individual is consciously subordinated to the public and depends mainly on the moral and intellectual co-efficients of the people. Social structure is an important factor. "Where men are divided by language, or by religion, or by caste distinctions grounded on race or on occupation, there are grounds for mutual distrust and animosity which make it hard for them to act together or for each section to recognise equal rights in the other." In our country, local and national problems very often descend to the narrow limits of caste and community. Nominations to appointments, elections to the Legislative Council and to the Municipal Councils—all these are, to a considerable extent based on, and to that extent vitiated by, considerations of caste and community. I am not unaware of the circumstance that there is in our country a number of generous-minded gentlemen who may not see eye to eye with me in these matters. But I am in a position to say, if they entertain any doubts, that my statement is supported by the history of Travancore during the last 15 or 20 years; and I am prepared to give specific instances where people have been overwhelmed in the discharge of their duty by communal and caste interests. The large percentage of people who attended the polls in the last Legislative Council elections, a circumstance which has elicited the warm and well-meant admiration of Government, is, I am sure, due not merely to a political consciousness but also to a recognition of caste and sectarian duty. The nominations to seats in the Municipal Councils and the Panchayat Courts are made on the principle of caste and religion. The number of sectarian or communal subjects brought up before the Sri Mulam Popular Assembly and this Council cannot fail to show the direction of the current of public opinion.

I do not think it necessary to adduce more reasons to show that the principle of local contiguity has not asserted its place in the politics of the State in supersession of tribal, clannish and sectarian considerations. The Village Panchayats are to be the guardians of tanks, roads and public wells. It requires no vivid imagination to picture to one's mind the disputes that will arise in the village conclave of Panchayatdars, if a Pulaya member advocates the throwing open of the local tank or well to the free use of the members of his own community when,

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perhaps, he is supported by a considerable number of persons. To arm the Panchayat with such an authority will be very unwise; because in a Panchayat there will be representatives of various castes, and a variety of considerations will prevail with each of them. It is quite legitimate that a depressed Pulaya should come forward and say: "You have not been treating us well; our blood is the same as yours and it also requires water as a component." I fear that public consciousness and the feeling of cosmopolitanism have not so far succeeded in gaining ground in Travancore; and I apprehend that a number of people will come forward and say that, if a Pulaya touches a tank, it will be polluted. I do not think that such a feeling on the part of the other communities should be encouraged. I am only speaking of conditions which exist and we shall not be justified if we forget them. Even with regard to the fee concessions which have been granted by Government, there will be difficulties if the schools are handed over to the Panchayats for management.

I am aware of the argument that participation in administrative and judicial work might tend to bridge away these differences and work towards homogneity of interests. That is the lesson taught by the history of the Spanish Armada or the wars which Switzerland had to wage against its neighbours, or the union of northern and southern States in America against common opponents. But, here when local government is a name and a fiction, when the central government is working the system in its paternal solicitude for its subjects, when a feeling of security encourages communal and class dissensions, any sudden fusion of different or discordant elements is well-nigh impossible. In Travancore, the *Sabha* has yielded to the Tahsildar. The ownership of land was assumed by the central government. The religious and charitable endowments which were managed by local guilds or associations were brought under the control and management of the central government and a special law was passed by the legislature for that purpose. But after a time the Travancore Government have recognised the wisdom and the necessity of fostering local self-government. The municipalities were first tried, extended and amplified; and in certain cases they were forced upon unwilling townsfolk. I refuse to believe that this was due to a desire to make people self-reliant and to afford them administrative experience. The maintenance of towns cost money and *therefore* the levy of municipal rates and taxes became an article of faith and a convenient remedy for the evils of a recurring expenditure. I know some municipalities deserve only one piece of good fortune—the good fortune of being abolished. There is no wonder in this result when it is remembered that, even in western countries, the experiment of local self-government has not been a complete success. Viscount Bryce observes that "the development of local government and the transference to it of as many administrative functions as possible, though constantly preached by reformers, does not in fact advance. Very little has been done in this direction by France or Australia, or in Spanish America, while in England the small parish units have failed to enlist popular interest". This is not a mere dictum of the scholar. The Viscount

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[Mr. T. K. Velu Pillai.]

was a man of great administrative experience mellowed by observation of forms of government in all the important countries of the world. The policy of encouraging local self-government in India furnishes a strong proof to the soundness of his judgment. In Coorg, the income of District Boards is extremely exiguous, and it is impossible for it to carry out any measure of importance without help from imperial funds. (*Vide Administration Report for 1920.*) In Mysore, the number of persons charged before the Bench Magistrates in 1921 - 22 was 44,707, but the number convicted was 7,827. In the State of Baroda "the Village Boards that were invested with civil and criminal powers have not done satisfactory work. The Government sanctioned a lakh of rupees for medical relief and village sanitation. This sum was to be spent as a subvention to Panchayats contributing local help. But people do not take advantage of it. Some of the *Visishta* Panchayats are invested with judicial powers which were not utilised with advantage". The Panchayats in the Madras Presidency have thus far not been very satisfactory.

A valuable lesson on local self-government in Travancore is afforded by the history of our municipalities. In an Address to the members of the Popular Assembly, the Dewan observed that a few of the municipalities were fighting shy of taxation and trying, if possible, to retrace some of the steps already travelled by them in that direction. The results achieved so far, were, he said, on the whole "not discouraging". The words 'not discouraging' in a Dewan's pronouncement amounts to an unqualified confession of an opposite significance; while the remark in the *Administration Report for 1097* that "the Government are pleased with the attempts of most of the Councils to increase their resources" indicates that their real object, whatever their profession, is to withhold the grants now given to the municipalities. The Address foreshadows the future policy of handing over town roads to Municipal Councils for management, but does not state that the funds hitherto spent on them by the Government will be placed at the disposal of the respective councils. If the Government had expressed their readiness to hand over schools, hospitals and roads, and undertook to make over the money now spent on them to the Councils, I would have raised no objection to this Bill. But they are not prepared to give the Municipal Councils, these democratic bodies, any portion of the general revenues of the State. They are not willing to give them real powers of self-government.

PRESIDENT: May I draw your attention to part 9 of clause 45 which refers to other contributions which the Government may make?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I thank you, Sir, for having called my attention to that. But, when the budget session comes, the claims of particular departments have to be met and the Government have been systematically reducing the amount during the last several years.

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It is instructive to find that Rs. 29,250 is all the grant made by Government to all the municipalities together in 1097 M. E. The administration has realised that general taxation has reached its maximum and even exceeded the taxable capacity of the people; and they naturally desire to escape unpopularity by making the democratic municipal bodies undergo all the unpleasantness of levying further taxes.

Some of the figures given in the Government publication, *Statistics of Travancore*, are explanatory of the preparedness of the people for taking upon themselves the responsibilities of local government. The average attendance of members, including the President, in some of them is as follows:—

Trivandrum 13·6.	Colachel 6·3.
Quilon 7·1.	Shencottah 6·2.
Alleppey 10·13.	Tiruvalla 8·0.
Kottayam 5·92.	Mavelikara 8·07.

Nagercoil, Kuzhittura, Kayankulam, Haripad, Vaikam and Alwaye have fared well in attendance. But 13 out of 19 municipalities show an attendance of less than 15 per cent. If this flagging interest in local affairs is characteristic of the residents in towns, where distances are small and locomotion easy, the case of sparsely inhabited *pakuthies* with few roads and other facilities requires no description.

The Village Panchayat contemplated by the Bill will not be of any real use though it might enable Government to refer people to the Panchayat when local wants and grievances are ventilated in the Sri Mulam Popular Assembly. I am alive to the fact that the central Government would need the co-operation of the local inhabitants and I am also confident that on occasions of necessity popular aid will be forthcoming. The school buildings and roads constructed by the people at their expense attest their readiness to share the responsibilities of Government and their willingness to contribute money towards schemes of improvement, over and above what is contributed by way of taxation. I know as a positive fact that most of these contributions of money and effort were due to the inspiration of, and sometimes a kind of mild compulsion on the part of, officers. I am not in favour of allowing buffers of local organisations being created on the path of their duty with the purpose of warding off complaints and preventing their prompt and effective redress.

Responsibility, Sir, is the chief attribute of power and therefore the Government would be well advised in arming local institutions with real authority in the administration of local affairs if any good results are anticipated. This is all the more necessary because the local bodies are to be the creation of the central Government and not the result of a natural spontaneous evolution, the result of the habits and traditions of the past. Sir, I cannot help saying that the powers proposed to be conferred on the Panchayats are not real though high-sounding. The Panchayats cannot do anything in relation to any matter which is under the direct administrative control of any department of Government. They

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[Mr. T. K. Velu Pillai.]

are bound to execute the orders issued by the Government in certain optional matters like primary education and the relief of the sick. They have to decide cases sent down to them by any magistrate. They are precluded from getting the assistance of legal practitioners. The officers of Government can enter and inspect any immovable property occupied by the Panchayats or any work under their direction. These officers can again order certain acts to be performed by the Panchayat and, in default of compliance, order some person whom they like to perform it and then call upon the corporation to pay up the expenses; and there is then the very unwelcome provision that the officer in charge of the treasury in which the village fund is invested may pay moneys at the behest of the officer so empowered. It is curious that the Panchayat has not even the right of appeal against such arbitrary orders. The resolutions of the Board may be suspended or cancelled by the officer according to his discretion. The keystone of the whole arch is the authority vested in Government to dissolve Panchayats according as they deem fit. An instance of arbitrary procedure is furnished by Section 57 which empowers Government to decide the question of losses incurred by the Panchayat as a consequence of the misconduct or gross neglect on the part of the members without the due safeguards of law, an order in writing being the only condition. I may also point out that, during these many years, the jurisdiction of civil courts has been ousted by making the orders of Government final as to the liability of a member and the amount to be recovered from him. Even the safeguards of the Departmental Enquiries Regulation, VI of 1073, are not to afford any assistance to a condemned Panchayatdar, though any public servant in the service of Government is entitled to invoke the aid of that Regulation to vindicate his innocence. Such are the glorious rights conferred on the enterprising public men who are to constitute the Panchayats. This body that stands for democracy and public spirit, the agency to teach the citizen self-help and self-reliance, can, under the limitations set forth already, serve no better purpose than dance to the tunes of the local officer who may perhaps be of the status of a Tahsildar and in most cases of the rank of a *Proverticar*. This parody of a democratic institution should not be allowed to see the light of day if we are to preserve ourselves from eternal humiliation and sterility.

Sir, I fear I have taken a good deal of time already. But the importance of the subject prevents me from refraining from a consideration of the powers of taxation intended to be conferred on Panchayats. The Boards are permitted to levy fees on the institution of certain suits and, what is more, on criminal cases also. With one hand you are constituting ignorant men into judges and making the administration of criminal law a play and a delusion and with the other you are making criminal justice expensive by the levy of fees You are baptising new land cesses and trying to add to the hardships suffered by a poor toiling people. You are encouraging the imposition of taxes, rates, cesses and license fees to

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enable the Panchayats to discharge their obligatory and optional functions. Panchayats are made to vie with one another in a career of self-glorification by raising the largest revenues, as Tahsildars are encouraged to realise the maximum sums from the sale of *puduvals* and the collections under the prohibitory assessment sections of the Land Conservancy Regulation.

PRESIDENT: I do not think that is relevant here.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I only say that, when the Government ask an officer to raise revenue—

PRESIDENT: A Panchayat is not an officer subordinate to the Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): They do their best in the matter. Some Panchayats will value the approbation of Government so much that they may be tempted to raise their revenue. Sir, I cannot accept the principle of this Bill and I am sure the country will not accept it. It is our prime duty to prevent the imposition of these rates and cesses that come in swarms. It is true that the creation of local boards has been urged at several sessions of the Sri Mulam Popular Assembly; but I am sure the mover of the Bill will not succeed in satisfying the House that it was a measure of this troublesome and unprofitable nature that was demanded by the representatives of the people. We are not against officers as a class and we do not pray for their abolition. We only desire that they should turn out sufficient work and discharge their sacred duty. The democracy that the Government are now anxious to foster has begun from the central Government; and if Government are anxious to extend it, the proper method is to foster it in district centres by the creation of District Boards with substantial powers, and make over to them a *definite* share of the *general* revenues for the satisfaction of local needs. The types of men that will serve on a District Board will be far superior in intelligence and equipment to those who congregate in the imbecile Panchayats.

From the time of Lord Ripon onwards, the encouragement of local self-government has been a favourite theme of the British Government in India. The duties of the Government of India are so hard and numerous that local affairs may have to be administered by popular representatives. But Travancore is a small State and our officers can look after even parochial concerns without any difficulty under the guidance and advice of district organisations. We need not have Panchayats because they have similar boards in British India. I am sure the representatives of the people in Travancore who sit in this hall to guard their interests will not lend the smallest support to this Bill. They will not pass this measure of indirect taxation. They will not be parties to a proposal to enable the Government to collect more revenues while they would like to throw away their burdens. They will not permit the Government to expend the moneys so saved on the usual kind of departmental reorganisations and other doubtful objects of public utility. I oppose the present Bill.

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[Mr. A. Govinda Menon.]

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Sir, I regret I have to differ from the previous speakers. I fully agree with the principle of the Bill now before the Council. It is to me a matter of surprise that the members of this Council who want all sorts and kinds of powers conferred upon this Council should decry any effort on the part of the Government—

MR. G. PARAMESVARAN PILLAI (*Neyyatiinkara*): May I point out to Mr. A. Govinda Menon that I merely pointed out the defects of the Bill as they appeared to me?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I do not mean Mr. G. Paramesvaran Pillai, but Mr. T. K. Velu Pillai who did not even agree to the principle of this Bill.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I request Mr. A. Govinda Menon to talk louder? He has not either understood me correctly, or—

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I thought he was entirely against the Bill. No doubt, it is our duty to point out the defects. My friend put it in such a way that he would be the right man if he had been a thorough bureaucrat which he partially is now. Sir, Mr. Velu Pillai, said it would be better to begin from the top. My reading of the political history of India as a whole convinces me that it is not wise to begin from the top—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With your permission, may I correct my friend?

PRESIDENT: You will have to wait until he finishes his sentence.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall spare him the necessity to speak about it. He has misunderstood me.

PRESIDENT: You may say what you have to say after he has finished his sentence.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): The Panchayat is the first thing that ought to have been created even before this Council was brought into being. Village bodies were not unknown in Travancore. Even in my childhood, the remnants of those institutions existed in the villages—at least in my part of the State. Of course, those things have disappeared owing to the extreme centralisation policy of the Government.

Coming to the bill itself, I agree with many of the criticisms directed by Mr. G. Paramesvaran Pillai as regards its financial aspect. But I contend that, for my part, even if the Bill is to be worded and passed finally as it is, I would welcome it because it gives us a constituted body through which the people of this State can put forward their needs and grievances before the Government. As a member of the Sri

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Mulam Popular Assembly, I have come here nine or ten times and represented various matters concerning the welfare of the people, particularly local needs. But in 99 cases out of 100, they have been only a cry in the wilderness. It is no use sending a member here once in a year and making him represent some sort of grievance. There is nobody in our rural areas to keep the eyes of Government always open and to constantly remind and worry them about their grievances so that they may understand that they are real; for all of us know that the crying child alone will get the milk. There is no constituted body in our rural areas to represent their grievances to the Government properly and strongly. That is one of the principal reasons why I take—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether all the municipalities are working properly, and particularly the Parur Municipality.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): It is a personal question. It is working properly.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Suppose—

PRESIDENT: Are you asking a question?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, Sir, if you permit me. My question is that, in case there is fight between—

PRESIDENT: It does not arise out of his speech. So I must disallow it. There is no question of the efficiency of the Panchayat or of other local bodies before us.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): One of the chief reasons my friend Mr. T. K. Velu Pillai adduced against the Bill was that of communal differences. I grant that there are communal differences working in some spheres of our life. Of course, in the matter of elections and Government appointments, there are, to a certain extent, differences of this kind. But what I wish to point out to Mr. Velu Pillai and others who are living in the towns is that, in rural areas, there is absolutely no kind of communal difference except amongst certain persons who are in touch with the so-called political leaders and who rouse these communal differences for their own use. We live and move like brothers; and if there is any difference created among the rural population, it is owing to the wire-pulling of some of these so-called leaders of the people who want to serve their own ends for their selfish purposes. As a matter of fact, these things die out soon after the external influence is withdrawn. I grant that there were exhibitions of communal difference during the last elections; but, once the elections were over, I do not think anybody retained the same feelings. It is only those who hunt after the loaves and fishes of office or honorary posts — it is they alone who rouse these communal differences. I would, therefore, say that the reason that there are communal differences among the rural population would never be an adequate one for proving that the Panchayat would never be of use.

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[Mr. Paul V. Daniel.]

I would also urge that the plea that District Boards should be created along with the Village Panchayats is not a tenable one. I do not think that is a very cogent reason, because it is only after working these institutions on the lower strata of the political structure that we need go in for higher local bodies. In the present state of Travancore, I think we are much more advanced than those in British India, where, perhaps, there is no use to create these Boards without the District Board. In the matter of capacity of the people who may be nominated as members of the Panchayat, my friend Mr. Velu Pillai was very diffident as to their capacity and honesty in fulfilling their duties.

PRESIDENT: Why do you say 'honesty'? He did not say that.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): What he said amounted to that.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not say that. I will not allow even Mr. Govinda Menon to attribute to me what I have not said.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): At this stage that is all that I understand. So far as I understand the rural population, I can say that they are free from the ambitions and wire-pullings of the towns-people and could be trusted to deal with the people better than the denizens of the towns. I would not, on that account, urge the withholding of any of the powers they are already proposed to be entrusted with under the Bill. But I would extend to them the powers to deal with all offences of a minor nature. Of course, these are matters which can be discussed in the Select Committee and I do not now wish to go into the details. All that I say is that the Bill should not be rejected by this Council. It is one which has been advocated by eminent Indian politicians throughout the whole of India; and when the Government bring it as a Government measure, certainly it deserves all the support of this Council. I do not deny that, in respect of details, we may differ. On principle, it will be suicidal on our part to withhold our support of the Bill.

MR. PAUL V. DANIEL (*Agastisvaram*): Sir, fortunately I come from Agastisvaram, the southernmost taluk of this State, wherein the Bill under consideration is absolutely no innovation but only a renovation.

I support the principle of the Bill. Sir, the Bill is intended to give effect to the honest and generous intention of the Government of training citizens in local self-government. Year after year, in this very hall, the members of the Sri Mulam Popular Assembly have been representing to the Government the desirability of associating the people in the administration of local affairs, and as a first instalment, the Government laid the foundations for the Village Panchayat Courts by passing a Regulation. It is now eight years since these courts began to work and I trust every member of this House is aware that they have been working

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to the satisfaction of the public at large. Recently, the Government, on suggestions made by the responsible representatives of the people, introduced the Bench Magistrates' Courts in important centres, with all precaution possible, to secure the interest, the advantage and satisfaction of the public. I have been connected with a Panchayat Court for a number of years and with a Bench Court ever since its inception; and I can boldly assure Mr. T. K. Velu Pillai that the work so far done is satisfactory and beneficial to the public, at least as satisfactory as any other courts, civil or criminal, of the State, so much so, that some people living in villages outside the municipal limits have begun making special requests to open such courts in selected important villages. Mr. M. Subrahmanya Pillai of Terur who is here with us to-day urged in this Council the necessity of establishing institutions for local self-government in selected villages outside municipal towns. Now the activity of the institutions already started and controlled by the Government is limited only to elementary civil and criminal matters. There is yet a variety of local self-government activities, such as rural sanitation, adequate water supply, upkeep of village roads, etc. The Government no doubt are doing their best in these matters; and yet, in the words of Sir Henry Campbell-Bannerman, "Good government is no substitute for self-government", which is now desired so much everywhere. Further, the prosperity of a nation depends to a considerable extent on the degree of capacity it has for self-government and this can be achieved only by an adequate training of the nation in the political field. This Bill clearly proves the recognition by the Government of the capacity of the rural population to work these institutions with efficiency and advantage.

The educative value of these institutions cannot be ignored. The Indian Decentralisation Commission has pointed out that any healthy system of local self-government must begin from the solid basis of village organisations. It is these the Government contemplate introducing by this Bill and this is done only in response to the demand of the public in the matter. I wish to place before this Council that these institutions are not innovations in this country. There was a time when each village had an organisation for itself to attend to all its wants, social, educational, sanitary and judicial.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know why such village organisations have been stopped?

MR. PAUL V. DANIEL (*Agastisvaram*): In our villages there are even now these Village Panchayats.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Daniel whether, on the Panchayats that existed in his part of the country, there were representatives of all the castes that lived there.

MR. PAUL V. DANIEL (*Agastisvaram*): In some villages there were. For the information of my friend, I would say that in South Travancore the brotherhood of man is beginning to be recognised by all the castes.

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[Mr. Paul V. Daniel.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Daniel whether, in south Travancore, there is any Christian or Nadar who is either a secretary or a treasurer to any of these village organisations, that is, in these organisations which have been in existence for a long time.

MR. PAUL V. DANIEL (*Agastisvaram*): In most of the village associations, even Christian Nadars are secretaries.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am speaking of those associations which are, say, of one hundred years' standing. I want to know whether the office of secretary or treasurer is held by a member of any of the communities I mentioned.

MR. PAUL V. DANIEL (*Agastisvaram*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask where that association is?

PRESIDENT: Your question is not very precise. In the first place, you will have to name the association you want to know of.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I shall explain. Sir, I asked in the first place whether he was aware of any association which, he says, exists, and which is one hundred years old, and in which either of the communities I mentioned is represented either in the board or among the office-bearers as secretary or treasurer.

PRESIDENT: You will have to draw up a list of bodies or associations, one hundred years or more old, and then ask for particulars o fone association. Your question, as it is, is hypothetical.

MR. PAUL V. DANIEL (*Agastisvaram*): These Panchayats were in a flourishing condition in the heyday of village life in India, and they were, for all practical purposes, self-sufficient and autonomous. The attempt of the Government is practically to revise this ancient system. Some remnants of the old Village Panchayats are even now in existence in most of the villages in south Travancore, and I can personally testify to the immense benefits derived from such Panchayats in the Agastisvaram taluk. There are, in that taluk, village organisations for the construction and maintenance of temples, primary schools called *oorpallikkudams* and village halls, known as *chavadies*, lanes and paths for the excavation and maintenance of wells and ponds, for opening and maintaining burial and burning grounds, for settling petty theft and assault cases, etc. The expenses required for carrying out these organisations are met by levying what is known as *vari*—five to fifteen *fanams* per year or at times even more per house or per earning member; *mahanai*—a certain percentage of the article of manufacture or trade or its equivalent money value; *varanttanpanam*—a fixed sum of money varying from three to seven rupees realised from a man of another village coming to marry a woman of the local village, etc. It is, therefore, encouraging to find that this system is to be renovated and improved

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to suit the requirements of modern civilisation. The political aspirations of the people will be satisfied to a great extent and the State will also be benefited. The object aimed at is to see that the full measure of civic liberty and political training is given to every citizen so that he may rise to the full height of his stature in politics.

No doubt, the functions which these Panchayats should be asked to discharge, the sources of income which they should get, the responsibilities they ought to shoulder, the privileges to which they are legitimately entitled, the local areas to which the regulation must be made applicable, all these are important questions which the House may safely leave to the Select Committee. I am sure, when the Bill receives the usual correction at the hands of the Select Committee, there will be no cause for dissatisfaction at its enactment and application to certain selected villages in our State. The task for the Select Committee is indeed onerous; for, it demands intimate knowledge of local affairs and circumstances; but I fully hope the learned Law Member and the other members of the Select Committee will spare no pains in seeing that this Bill becomes law in the near future.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഞാൻ ഈ ബില്ലിന്റെ മൂലതത്വത്തോട് യോജിക്കുന്നു. എന്തെന്നാൽ, ഇതു ജനങ്ങൾക്കു രാജ്യകാര്യത്തിൽ കൂടുതൽ പ്രവേശനം നല്കുന്നതിന് ഉതകുന്ന ഒന്നാണ്. അങ്ങിനെയുള്ളതിനെ എല്ലാ പൌരന്മാരും അനുകൂലിക്കേണ്ടതാണു. എന്നാൽ ഇതിലടങ്ങിയിരിക്കുന്ന സംഗതികളിൽ ചിലതെല്ലാം ജനസാമാന്യത്തിന് ഉപദ്രവകരമാകയാൽ എടുത്തുകളയണമെന്നും ഗുണകരമായ ചില വ്യവസ്ഥകൾകൂടി ചേർക്കണമെന്നും പ്രസ്താവിക്കാതിരിപ്പാൻ നിവൃത്തിയില്ല. ഞാൻ ഇങ്ങനെ ഒരു വില്ലേജ് പഞ്ചായത്തേപ്പറ്റിത്തണമെന്നു പ്രജാസഭയിൽ പ്രസ്താവിച്ചതായി മിസ്റ്റർ സുബ്ബയ്യർ ഇവിടെ പറയുകയുണ്ടായി. എന്നാൽ ഇങ്ങനെയുള്ള ഒന്നു വേണമെന്നല്ല ഞാൻ പറഞ്ഞിട്ടുള്ളതു്.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Hear, hear.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): താലൂക്കു ബോർഡും വില്ലേജു ബോർഡും വേണമെന്നാണ് പറഞ്ഞിട്ടുള്ളതു്. അതു് ഇതിനേക്കാൾ വിശാലമായ തരത്തിൽ ജനങ്ങൾക്കു ക്ഷേമത്തെ നല്കുന്നതിനു ഉതകുന്ന ഒരു പദ്ധതിയും കൂടി വിവരിച്ചാണ് പ്രജാസഭയിൽ പ്രസ്താവിച്ചിട്ടുള്ളതു്. അങ്ങനെയുള്ള വ്യവസ്ഥകൾ ഇതിൽ വേണ്ടപോലെ കാണുന്നില്ല. വില്ലേജുബോർഡിനു ചില ചില്ലറ ക്രിമിനൽ കേസുകൾ തീർപ്പു ചെയ്യുവാനുള്ള അധികാരംകൂടി കൊടുക്കണമെന്നു ഞാൻ പറഞ്ഞിട്ടുണ്ടു്. അതു് ഇതിലും ഉണ്ടു്. അതു നന്നാണു്. ഓരോ

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[Mr. Tariatu Kunjitommman.]

സ്ഥലത്തും ഉള്ള ആളുകൾക്ക് ഗവർൺമെൻറിൽനിന്നു ചെയ്തുകൊടുക്കേണ്ടത് എന്തെല്ലാമെന്നും സ്ഥലത്തെ ഉദ്യോഗസ്ഥന്മാരിൽനിന്നു ജനങ്ങൾക്ക് വല്ല ഉപദ്രവവുമുണ്ടെങ്കിൽ ആ വിവരവും ഗവർൺമെൻറിനെ അപ്പോഴപ്പോൾ അറിയിക്കുന്നതിനു ബോർഡിന് അധികാരം കൊടുക്കണം എന്നു ഞാൻ പറഞ്ഞിട്ടുണ്ട്. അത് ഈ പഞ്ചായത്തുകാക്കു കൊടുത്താൽ നന്നായിരിക്കും. ഓരോ സ്ഥലത്തേയും സംഗതികൾ പരസ്പരവിരുദ്ധമായി ഓരോപത്രങ്ങളിൽ പ്രസ്താവിക്കുന്നതുകൊണ്ടും പരസ്പരം വിരുദ്ധമായ മഹജരുകൾകൊണ്ടും സൂക്ഷ്മസ്ഥിതി അറിയാൻ ഗവർൺമെൻറിനു പലപ്പോഴും നിവൃത്തിയില്ലാതെവരുന്നു. സത്യത്തിൻെറ സ്വരത്തെ തിരിച്ചറിവാൻ നിവൃത്തിയില്ലാത്തവിധം അസത്യത്തിൻെറ ഘോഷാരവം മുഴങ്ങി എന്നുവരാം. സ്ഥലത്തെ ജനങ്ങളാൽ തിരഞ്ഞെടുക്കപ്പെട്ട അംഗങ്ങളോടുകൂടിയ പഞ്ചായത്തിനു വാസ്തവം ഗവർൺമെൻറിനെ അറിയിക്കാൻ കഴിയും. അതിനാൽ അങ്ങനെ ഒരു അധികാരം നല്കുന്ന വ്യവസ്ഥ കൂടി ബില്ലിൽ ചേർക്കണം.

ഓരോ സ്ഥലങ്ങളിലും സാധാരണ റോഡുകൾ, വിദ്യാലയങ്ങൾ, വൈദ്യശാലകൾ മുതലായവ സ്ഥാപിക്കുന്നതിനുള്ള പണവും അധികാരവും ഗവർൺമെൻറ് ഈ പഞ്ചായത്തിനു നല്കണം. പ്രത്യേകിച്ചു പബ്ലിക് വർക്സ് ഡിപ്പാർട്ടുമെൻറിൽ നിന്നും റോഡുകൾക്കും മറ്റുമായി ഓരോ സ്ഥലത്തേക്ക് അനുവദിക്കുന്ന തുകകൾ ഈ സ്ഥാപനങ്ങൾക്കു വിട്ടുകൊടുക്കണം. വലിയതെല്ലാം ഇവരുടെ അഭിപ്രായം കൂടി അറിഞ്ഞു ഡിപ്പാർട്ടുമെൻറുകാർ നടത്തിക്കൊള്ളട്ടെ. ചെറുതെല്ലാം ഇവക്കു കൊടുക്കണം. അങ്ങനെയായാൽ ഡിപ്പാർട്ടുമെൻറിലുള്ള പാഴ്ചിലവു കുറയുകയും ജനങ്ങൾക്കു കൂടുതൽ പ്രയോജനം ഉണ്ടാകയും ചെയ്യും.

എന്നാൽ ഗ്രാമവരിയേ നിലക്കരമൊഴുമത്താനുള്ള അധികാരം ഒരിക്കലും പാടില്ല. ആ വകുപ്പ് എടുത്തുകളയണം. ഉത്തരതിരുവിതാംകൂറിലെ ഉൾനാടുകളിൽ പല സൌകര്യങ്ങളും നല്കീട്ടില്ല. ഉൾനാടുകളിലെ പണം കൂടിയാണ് പട്ടണങ്ങളിലും തെക്കൻതിരുവിതാംകൂറിലും ഒക്കെ റോഡുകളും മുതലായവയുണ്ടാക്കീട്ടുള്ളത്. ഇനി വേണ്ടവർ പഞ്ചായത്തുമുഖേന ഗ്രാമവരി ഏർപ്പെടുത്തിയും നിലക്കരം പിരിച്ചും നടത്തിക്കൊള്ളണമെന്നു വരുമെന്ന് ഇതുകൊണ്ടു സംശയിക്കണം. അതുകൊണ്ട് ഉത്തരതിരുവിതാംകൂറിലും ഉൾനാടുകളിലും അത്യാവശ്യമു

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ള്ള റോഡുകൾ മുതലായവകൂടി ഗവർൺമെൻറ് നേരിട്ട് ഉണ്ടാക്കിക്കൊടുത്തശേഷം പിന്നീട് ഗ്രാമപഞ്ചായത്തിൽ നിന്ന് പണംപിരിച്ചു മേലിൽ വേണ്ടതു നടത്തിക്കൊള്ളട്ടെ എന്നു വയ്ക്കുന്നതായാലും തരക്കേടില്ല. ഇപ്പോൾ കരം പിരിക്കുവാൻ ഒരിക്കലും അനുവദിക്കരുത്. കരം നിമിത്തം ഇപ്പോൾ ജനങ്ങൾ വളരെ ബുദ്ധിമുട്ടുന്നുണ്ട്. കൂടാതെ നികുതി പിരിക്കണമെന്നുള്ള വ്യവസ്ഥ വരുന്നതു വളരെ സങ്കടകരമായിരിക്കും. ഈവിധമുള്ള ഭേദഗതികളോടുകൂടി ഈ ബിൽ പാസ്സാക്കുന്നതിൽ തരക്കേടില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

THE REV. FR. KURIAKOSE VETTIKKAPALLI (*Thodupuzha cum Kunnatnad*): The Village Panchayat Regulation provides for local self-government in the rural areas of the State. Every step that is taken to give the people a share in the Government has to be welcomed. The age is democratic and the idea has caught on to the present generation—and rightly too—that the people must have adequate representation in the affairs that concern their weal and woe. Any objection that may be raised against such a popular measure should only be considered as a retrograde step.

Nevertheless, in the framing of the provisions of the Bill and in their practical application, we have to take account of the experience of the working of similar measures both in the State and outside it. Sir, it cannot but be admitted that the working of many of our municipalities is far from satisfactory, so much so that in some places people have been petitioning Government for their abolition. While new taxes on all and sundry have been imposed which the people could hardly bear, there have been no corresponding benefits conferred. What may be the reason for the failure of such self-government? Is it because civic consciousness has not been sufficiently awakened in the people, or is it because they do not want to shoulder the responsibility? Probably the answer lies between the two. The failure of municipal government in certain places is also due, in a great measure, to the introduction of such administration without ascertaining the fitness and willingness of the people as well as the natural conditions of the place. The present Bill also empowers the Government to arbitrarily declare any area within a taluk to be a village for the purposes of this Regulation. If this method is to be adopted, the measure, I am afraid, will share the fate of some of the areas brought under municipal administration. Hence, to ensure success, I would suggest that some provisions be made to ascertain beforehand the mind of the people of the areas proposed to be given Panchayats and to give them the option of being brought under the operation of this Regulation.

I also beg to support Mr. T. K. Velu Pillai in saying that the Bill might turn out to be a fresh source of trouble and communal strife in the now peaceful villages. This is the experience we have after the recent Legislative Council elections as well as some municipal elections.

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[Mr. N. Padmanabha Pillai.]

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Sir, I have much pleasure to support the principle underlying the Bill. I am glad that the Government have now at least thought of extending the principle of local self-government to villages which in this country are inhabited by a very good percentage of its population. The people in the villages contribute largely to the finances of the State and it cannot be said that their needs and conveniences are receiving adequate attention at the hands of the Government. In an agricultural country like this, it is of the highest importance that the villages should be made more attractive and healthy. This can only be done by establishing local councils, with local staffs of officers and local systems of taxation to which many other local arrangements must adapt.

One pleasant feature that I notice in the Bill is that it tries to consolidate the local forces. However perfect may be the system of election on which local government is based, however admirably its legislative, executive and judicial functions may be separated, it will fail to attract the highest capacity or to perform its allotted work successfully without a vigorous concentration of local bodies. A place hardly contains within itself good materials for more than one Board. It is morally certain that, if there be but one body in each rural district entrusted with all the powers of local government, men of education, independence and leisure would be far more disposed to serve on it than on half a dozen Boards. The weakness of local Government strengthens centralisation in the central Goverment. The evil is to be cured not by a dispersion but rather by a wholesome consolidation of local forces.

This is not the occasion to go into the minute details of the Bill. I agree that there is a good deal of force in the several arguments advanced by Messrs. G. Parameswaran Pillai and T. K. Velu Pillai against certain of the provisions in the Bill. The Bill is certainly capable of much improvement. But the defects contained in it should not stand in the way of its introduction.

The broad line which should divide the sphere of local from central Government should be clearly drawn up. I cannot commend the large rule-making powers reserved with the Government. I advocate a system where local bodies would be more self-reliant and autonomous. The rule-making power is likely to restrict the freedom of the bodies in spite of the liberal provisions in the Bill. I wish the mover would cut down the rule-making powers in the interests of promoting a more democratic spirit in local administration.

The provisions in the Bill regarding taxation have occasioned much comment at the hands of several of the members on this side of the House. As far as I know, local bodies are doing good work, but their administration is made unpopular because of the taxing power they possess. People generally believe that the creation of local bodies is a dodge adopted by the Government with a view to tax them unnecessarily through these bodies. I will not say that the intention of Government is so bad

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as that. But in effect it comes to somewhere near it. When local bodies are created, the Government do not appear to be willing to part with much of their finance. So, the local bodies are compelled to exercise their powers of taxation to an undesirable extent. The local bodies should have guaranteed to them, a definite share of the revenue derived from their respective places by the Government. A provision to that effect in the Bill itself is absolutely necessary.

The working classes are the most directly interested in local government, and above all, in the sanitary regulations upon which their health and domestic comfort so vitally depend. They should not be disabled for want of a rate-paying qualification from voting.

Educated classes appear to have much less influence over local than central government. By virtue of their education there are stronger reasons for giving them an advantage by means of plural or cumulative voting, especially as their active participation in local affairs is for the common good of all.

With these remarks, I support the principle of the Bill.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, it is true that, in more than six sessions of the Sri Mulam Popular Assembly, representations have been made that the rural population should be given greater opportunities of sharing the administration of local affairs. I am afraid that the Bill before the Council, which is said to have emanated from a desire of the Government to satisfy that demand, does not satisfy it. The representations were concerned with the existing administration of local affairs. That is, there may be road-making activities, canal-making activities, and irrigational and other activities conducted by the Government. What this regulation is intended to achieve is not to allow people to take part in such affairs, but to create a sort of petty government and then entrust the same to the people under the rigid control of the State. That was not what the people wanted. They wanted a hand or a share in the *existing* administration.

PRESIDENT: The Bill does not prohibit it. It contemplates that too.

MR. JOSEPH PANJIKARAN (*Shertallai*): I think the Bill does not contemplate it. On the other hand, the proviso to section 17 is, in my opinion, against it. It says:

"Provided that nothing in this section shall be deemed to impose any duty or confer any power in so far as it is under the direct administrative control of any department of our Government."

PRESIDENT: That control could be relaxed or removed by Government.

MR. JOSEPH PANJIKARAN (*Shertallai*): Of course, that can be removed. But I am discussing the Bill as it is presented, and not the Bill as it might be after it has emerged from the Select Committee.

PRESIDENT: It does not disallow Government to delegate their powers to the Panchayats.

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[Mr. Joseph Panjikaran.]

MR. JOSEPH PANJIKARAN (*Shertallai*): No, it does not. To me it appears that, as it stands, the Panchayat will not be allowed to take any part in the administrative functions and activities carried on by Government.

PRESIDENT: May I point out to you that that provision is intended more for avoiding friction and dual control than for disallowing the Panchayats to exercise the functions which the Government may deem fit to delegate to them?

MR. JOSEPH PANJIKARAN (*Shertallai*): My humble opinion is that, as it is, the Bill is against it. I think it goes to show that the intention of the Government was not to satisfy the representations made in the Assembly but to create some sort of dominion governments, as it were, which will have nothing to do with the existing administration, and then commit to them the management of the Panchayats. I do not think that the representations made by the members of the Assembly were meant to advocate the creation of such self-government or dominion government. The thing is that when the people are asking for cheese, the Government are giving them chalk.

Sir, in spite of the alleged object which this Regulation is aimed to achieve, that is, that of fostering and developing self-government, I think, I must oppose this Bill. Of course, the words "to foster and develop self-government" are certainly words which fill the mouth and tickle the imagination. This is only one of those stock phrases used by politicians when they want to impose taxes and burdens upon the people. These and such-like phrases are intended to conceal the intention rather than to disclose it.

It was stated by the mover of the Bill that it was not the intention of the Government to impose taxes but only to foster and develop self-government. If that be so, let the funds of the Panchayat be a portion of the land revenue collected by the Government from each village. Then I would consider this alleged desire of the Government to foster and develop self-government to be genuine. But if the Government are not willing to surrender a portion of the land revenue collected, can it be said that the intention of the Government is to foster and develop slef-government?

PRESIDENT: You put that question to Mr. Subba Aiyar and he has answered it.

MR. JOSEPH PANJIKARAN (*Shertallai*): He said that if the people collect some money the Government may give an equal share.

PRESIDENT: Not *may*. But the Government *will* give an equal portion.

MR. JOSEPH PANJIKARAN (*Shertallai*): If the people collect zero, then the Government will give zero! Sir, to my mind, this Regulation is intended to remove the financial burden from the shoulders of the Government and to shift it on to the

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shoulders of the people. Sir, it has been pointed out several items in this Council that the people are sufficiently taxed and that they cannot bear any more burden of that kind. It might be said that the collection made under the Regulation will not go to the general coffers of the State but that it would be utilised for village purposes alone. My submission is that, whether it is used for village purposes or goes to swell the general coffers, it is taxation and it is that to which we have to object. Why not meet the local needs from the general revenues collected?

The next objection that I would urge against this Bill is that, in my opinion, it does not satisfy an *existing* need; it seeks to create a need and then satisfy it. Such regulations should be introduced not because they would be good from the theoretical point of view, but only if there is a strong demand from the rural population. When there is a sufficient awakening of the people and when they demand institutions of their own, it would be time to give such things. Here, it is a case in which a need is sought to be created by a legislative enactment and not a case in which a need which has already arisen is sought to be met.

The third objection that I would urge against the Bill is that I am afraid that, when it becomes law, it will be making the Government less responsible to the people than it is at present. Of course, at present, though without much success, we can apply to the Government for the construction of roads and their maintenance and for other purposes. But when once Bill this becomes law, the Government will tell those applicants that the Imperial Government cannot concern themselves with such minor local affairs as the construction and maintenance of the roads. Mr. Subba Aiyar has been kind enough to say that the Government do not intend to divest themselves of this responsibility. But when once a responsible body can be pointed to, I am sure that the Government will back out and the villages will be called upon to look for themselves.

Then again, the next objection is about the kind of judicial functions that are to be vested in these Panchayats. Elaborate observations have been made on the evils of such courts by Mr. T. K. Velu Pillai and I do not mean to take up the time of the Council any more by reiterating those observations.

I oppose the Bill in spite of the fact that it is put forward on the pretext that it is intended to foster and develop local self-government.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, I have carefully gone through the Bill. I have also carefully listened to the speeches made by the learned Law Member as well as the other members of this Council. I must say that my position this evening before the Council is one of considerable difficulty. As a member of the public, I am tempted to welcome the measure generally; but as a representative of the poor tax-payer, I am equally tempted to oppose some of the most important principles and chapters of the Bill. Sir, it is in such a

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[Mr. J. John Nidiry.]

spirit that I approach the subject; and in doing so I may at once say that I have to oppose two of the most important chapters in the Bill. I mean the chapter which relates to judicial functions and that which relates to taxation. No doubt, as usual, the learned Law Member has taken his stand on the representations made by the members of the Sri Mulam Popular Assembly and he has also particularly named some of our friends here who have made proposals in the matter in that assembly. But with all that, I have my own doubts as to whether it was this sort of a bill that was urged by them before that assembly, as has been observed by some of the previous speakers. My own idea is that we want an altogether different bill. Again, it is almost conceded on the part of the Government that the tax-payer has already been taxed to the breaking point. Any more taxation would be really unbearable. Still, we may all like to have a Panchayat in our village. Then what is the solution for it? The only solution I could suggest is to have a Bill on a different footing, that is to say, a Panchayat Bill which is devoid of any intention to assign any judicial functions at present to the Panchayat and also a Panchayat without any powers of taxation. Of course, it has been pointed out that, unless the Panchayat is invested with the right of collecting taxes and the duty of paying taxes, the members may not, or the Panchayat itself may not, be able to feel their position of responsibility. But what I submit is that we need not begin with such a responsible body at present. We may content ourselves with a rather humbler beginning and after watching the course of the conduct or the working of such a Panchayat, we may proceed to give the power of taxation and the duty of discharging judicial functions later on. The history of the Panchayat Courts and the Bench Magistrates' Courts which we have constituted in the towns would show that they are not giving us satisfaction. If that be the case, I doubt whether the Village Panchayats would be able to show better results.

Another point which I wish to bring to the notice of this Council in this connection is, as has been observed by Mr. T. K. Velu Pillai, that we do not have a real village system in this land; and to make provision for cleaning up streets and other things looks absurd on the face of it. I do not know whether we have such streets in any village except at Shencottah and one or two other places. Most of our villages have no streets at all; and some of the provisions which we find embodied in this bill are altogether unsuited to the requirements of our villages. By villages, I mean the revenue villages. Then again, the question may be asked whether, if a Panchayat is constituted, there should not be a fund for its working. My submission in this connection is this; either the whole or at least the major portion of the land revenue collected from each village may be set apart for the expenses or the demands of the Panchayats of each village. If the Government or the authorities consider that the land tax is too important or too sacred a thing to be set apart for the use of the Panchayats, I may suggest another and better course. It has been universally admitted that the

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income derived from abkari should not go to the general treasury as the income derived from the source of drink is not a desirable one. The policy of Government and the opinion of the representatives as evidenced in this Council have all along been that we should have very little to do with it. If that be the case, I would submit in this connection that the revenue derived from the abkari in each village be set apart for the village purposes or at least, say, a half of that revenue. So that, in course of time, when the abkari revenue, which is bound to go down year after year, disappears, it may be supplanted by further taxation later on when the Panchayats grow and feel their importance and usefulness.

My friend, the learned Law Member, suggested, in the course of his interesting address, that there is a long-standing complaint from my friend Mr. Kunjitoinman and other friends who hail from north Travancore that a due distribution of public funds is not made in the northern taluks. Mr. Subba Aiyar's solution, however, seems to be rather peculiar. He has suggested that, by introducing these village Panchayats and by imposing taxes on the villages in north Travancore as well as in other parts of Travancore, their grievances will disappear. When I heard that portion of his interesting speech, it reminded me of some of the despotic *Karanavans* of our Malabar *tarwads*. They say to the junior members who make representations about their wants; "you may boast of being a member of this or that big *tarwad*; but if you want to have a decent living, if you want to provide for your wife and children, you must make your own self-acquisition; for the *tarwad* fund *cannot* be used for that." The learned Law Member's reference is something like that. This sort of solution will not satisfy north Travancore at all. We want a better treatment. We want some portion, or rather the major portion of *tarwad* funds. That is what has been contended for. This sort of old archaic treatment meted out by despotic *karanavans* is not what we want. It may be also observed that the tax-payers in my constituency are generally very much opposed to any further taxation. Even if they do not get village Panchayats or similar administrative privileges they do not care much, provided that they are left alone, because people have begun to feel the burden of taxation to such an extent that anything by way of taxation is a position which they cannot conceive. They have, as a matter of fact, begun bitterly to complain about the troublesome and burdensome nature of the present-day administration. The Succession Certificate Regulation, the Court Fees Regulation, the Income-tax Regulation, the Canals Regulation, the Tolls Recovery Regulation and a lot of others are really giving them an immense amount of worry and trouble, and very often they ask whether things are going back to the old days—the pre-Madhava Row period. That statesman had to abolish about 160 oppressive taxes. To say that we are pursuing a direction leading to that backward period is really a deplorable thing. So I strongly protest about the taxation provisions in the Bill. With these observations, I resume my seat.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I am glad that Government have boldly introduced this Bill

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[Mr. M. R. Madhava Variar.]

in deference to the wishes of popular representatives with a view to foster and develop local self-government in rural areas. There can really be no two opinions in this country with regard to the importance of the part to be played by local self-government and by the cordial association of citizens with the work of administration. It is only in this sphere that administrative experience can be gathered and civic ideals can be implanted in the masses at large. In western countries, self-governing institutions are planted deep in the consciousness of the people and the fabric of nationhood has been solidly built on them. Though the educated people in this State are also imbued with the ideal of nationhood, the immemorial customs and the interplay of sectarian and religious activities and the apathetic attitude of the masses towards questions affecting the welfare of the whole of the body politic have tended to warp their ideals and to create a conflict of tendencies and aspirations. There is ample evidence in history that village communities existed in this country as so many little republics which carried on their even tenor of life undisturbed by outside influences. Their ideals were entirely different from the ideals which we now present to the public and those ideals helped the industrious ryots to live in peace and plenty. With the inauguration of a new system of governmental machinery, with the influx of new ideas and with the introduction of ryotwari system, began the decline of the old village communities. The old ideals have entirely left us and the new ideals have not percolated down to the masses so as to familiarise them with institutions that have become, as it were, foreign to their genius.

Though I am in agreement with the general principles underlying the Bill and though I am firmly of opinion that the introduction of Village Panchayats will arouse the civic consciousness of the people, I feel that the constitution of the Panchayats in the present form may not be quite acceptable to the generality of the villagers as they are foreign to their notions and traditions. I am not sanguine that the Panchayats instituted under this Bill will evince their usefulness in the cultivation of a better sense of civic responsibility and in the better administration of local affairs. A passage in Mr. Rushbrook Williams's *India in 1920* shattered my high hopes in village Panchayats and made me yearn for a better system of village organisation suited to the temperament and habits of our rural population. He says that —

"the existing institutions of local self-government are to a considerable degree alien from the spirit of the people and although they are striking their roots year by year it is unfair to expect very rapid progress."

The working of Town Improvement Committees and Municipalities here has not created confidence in the people. Even now there is a cry in certain localities that the people are not in need of municipal administration and that they are sick of the comforts gratuitously imposed upon them by an officious Government. I feel that the Regulation and the Rules which will be framed thereunder ought to be shaped

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in such a way as to give absolute discretion to the villagers to feel their necessities and to find solutions for them.

Though I am supporting the whole Bill with a feeling of hesitation, I am certainly of opinion that a bold experiment is to be made in the development of local self-government with ample facilities for congenial changes and happy adjustment. By the new experiment, we may be able to evolve a different type of village organisation reflecting the changes and revolutions in ideals as to self-governing republican units in our polity. I am encouraged to support this experiment by the example of Village Panchayats in Baroda. In Baroda, the Village Panchayat was organised in 1902, and for a decade it was only an experiment with disappointing results. In the beginning, every village with a population of 1,000 or more was to have a Panchayat of its own. When the population was less, villages were grouped together under a common Panchayat. The members of the Panchayat were to be not less than five nor more than nine in number—one-half of them to be appointed by District officers and the other half by the cultivators themselves. The *Patel* was to be the president of the Panchayat and the accountant and the school-master, the *ex-officio* members. The supervision of village roads, wells, tanks, schools, *dharmasalas*, *Devasthanams*, model farms and of all Government common property was to vest in the Panchayats. They were to help the officers in the work of medical relief, and of famine relief in times of emergency, and to co-operate with village munsiffs in settling civil disputes and with sub-registrars in their official work. They were to see that the boundary marks in the fields were kept in order and the village cattle pounds were properly managed. The powers of the Village Panchayats were considerably increased since then and now it is reported that the experiment in Baroda has proved a great success.

We have learnt a good deal from the failures of early Village Panchayats in Baroda and British India and have devised a more liberal and representative system to start with as adumbrated in the Bill. But, at the same time, we have to see that the working of the provisions contained in the Bill does not entail any uneasiness or hardship on the simple villagers who are not familiar with occidental methods of nation-building. The sponsor of the Bill assigns very many powers to the Panchayats under sections 16 and 17 to improve the material, moral and sanitary conditions of the village. There are several villages where all the obligatory duties mentioned in section 16 will be superfluous and distasteful. If each village is allowed initiative to suggest changes, reforms and necessities and if each Panchayat is allowed to follow the wishes of the majority in the performance of obligatory duties, the Regulation can be worked without causing anxiety among the people. For example, clause 8 of section 16 lays down that the enforcement of vaccination is an obligatory duty of a village Panchayat. With due deference to allopathic luminaries, it cannot but be said that there are very many persons who are conscientiously and seriously against the introduction of poisonous vaccine into their healthy bodies.

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[Mr. M. R. Madhava Variar.]

It is nothing but unmitigated tyranny to enforce vaccination in the case of persons who abhor it.

Section 47 empowers the Panchayat to levy a cess on land within the village at such rates as may be prescribed by the Government. There is a genuine feeling in the country that the people are already oppressed with too many taxes. They will be prepared to forgo any comfort or luxury in dread of additional taxation. Village Panchayats cannot but be a failure if the sympathies of the people are alienated by imposition of fresh taxation, such as land cess, by civic enthusiasts. I know the people are against any additional taxation. It will be better to have a provision in the Bill that in the matter of initiating reforms costing a huge amount or entailing heavy responsibility or in the matter of levying cesses and rates, a referendum of the voters may be taken so that the villagers may not feel the oppressiveness of taxation. Spoon-feeding of villagers by the councillors will always be disliked. Introduction of the principles of referendum and initiative in our village councils will go a great deal in educating the masses on democratic lines. Until the villagers are able to realise their wants, the Government must be prepared to contribute liberally to village funds and to make Village Panchayats responsible to the people.

The exercise of judicial functions by the Panchayats is bound to enhance the sense of justice and fairplay among the villagers. But to give them unrestricted powers without appeal, or permit them to deal with matters involving questions of law in the very beginning of their existence is neither wise nor expedient. I am of opinion that Government should be very cautious in investing Village Panchayats with judicial functions. With respect to the control to be exercised by the Government over the Panchayats, I have to utter a word of warning. The Government should reserve only those powers which are absolutely necessary for the constitution, preservation and continuation of these corporate bodies and for purposes of arbitration and adjustment in cases of disputes and differences. If Village Panchayats are shackled by rigorous Government control, they will not progress rapidly and effectively and will not display a keen sense of responsibility and corporate activity. The interference of the Registrar coupled with the advice which he gives to the local bodies may often completely deprive the Panchayats of all initiative and creative tendencies. Mr. Rushbrook Williams remarks thus in his *India in 1920*.

"Moreover, for the last 25 years, the self-governing institutions have been administered very largely by a highly competent official agency able and willing to relieve the non-official members of such small responsibilities as were actually allotted to them. In consequence, the institutions of local self-government in India have in large measure failed to enlist the services of that class of public-spirited men conscious of their ability to wield power when it is entrusted to them, upon which the system depends so largely for its success".

In Mysore, the local boards and municipalities were developed in 1916 and it is found now that the reconstituted bodies, have not shown

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sufficient vitality for want of guidance and for other reasons. So a senior officer of the State is deputed to tabulate and bring to the notice of the Government all the deficiencies in the administration of the local bodies and to propose remedies necessary for the reorganisation of the scheme. In the place of a Registrar to advise and control the local boards I suggest that a Board of Local Self-government on the lines of the Ministry of Health in England may be appointed to supervise the working of these institutions. The Sanitary Commissioner assisted by a standing committee of this Council or of the representatives of the various Panchayats will be able to guide the Panchayats properly and to co-ordinate their work. A mere executive officer like the Registrar of Joint Stock Companies or the Register of Co-operative Societies cannot adequately infuse enthusiasm into these local bodies with enthusiasm or formulate broad policies in the administration of local affairs.

We cannot at present forecast the success or failure of this measure, unless we have an inkling of the rules which may be passed hereunder for the efficient working of the Regulation. It will be really useful to draft the rules under various sections and to leave the Bill and the rules together for the consideration of the Select Committee. Very often the high principles enunciated in the Regulation are whittled down by the rules which the Government are authorised to make. As it is a very important measure which requires the earnest consideration of this House, I request the Government to afford the Council an opportunity to discuss the important rules which they propose to frame in reference to this Bill.

With these few observations and with the full belief that these points will be considered by the Select Committee, I support the Bill.

The Council rose for lunch at 2-17 P. M. and re-assembled at 3-15 P. M.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, I have very great pleasure in supporting the motion for the Bill being read in Council. It appears to me that, if this measure is placed on the statute book, the present Council might feel very proud of its achievement, even if it has not got anything else to its credit. The potentialities for good underlying this measure are not sufficiently realised. The bulk of the people in Travancore live outside the municipal areas and any statutory measure intended to advance the interests of the population in general in the matter of sanitation, education and communication, ought to command the whole-hearted approval of this House. It has been said that, owing to the existence of communal jealousies and misunderstanding, the work of these Village Panchayat institutions is not likely to be very satisfactory. I ask, Sir, do not our friends in this Council, the elected representatives of the people, owe a duty to their electorate in educating them, in helping them to realise that the interests of the country on the whole should be paramount over considerations of caste, creed or religion? The improvement of civic consciousness on the part of the rural population will

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[Mr. T. K. Velu Pillai.]

certainly help the electorate in the coming elections to choose between possible candidates for election to the Legislative Council and return representatives who, they believe, will best represent their real interests in the Council. That is one aspect in which the question has to be viewed. Apart from the solid material benefits that the villagers will derive from the passing of this Bill, the educative value of this piece of legislation is considerable, and I have no doubt that, after the measure is worked for some years, we shall be in a position to realise the full significance underlying the measure that is now before the House.

I do not think that Mr. Subba Aiyar himself pretends that the measure is absolutely a perfect one, and I do not think myself that there is no scope for considerable improvement in the Bill itself. I have no doubt that the different points suggested will receive due consideration at the hands of the Select Committee.

It appears to me, Sir, that, for the success of the measure, two conditions are essential—one, a sound financial position and the second, absolute autonomy. As regards financial conditions, I cannot appreciate people who say: "Let Government give us a portion of the general revenues and we will run it". People who want to improve local conditions will and should certainly be prepared to tax themselves within certain limits. At the same time, I do recognise that Government also owe a duty to these rural institutions to finance them at the outset of their career. I would go further and say that these institutions should depend for their existence on an assurance by the Government of financial support. There ought to be a statutory provision in the Bill itself under which the Government should be bound to contribute a certain portion of the expenditure which these Village Panchayat institutions will have to incur. At any rate, the minimum contribution by Government ought to be defined in the statute itself. Government do not therefore disqualify itself from making a larger contribution. That will depend upon the requirements of the different localities, their resources and the general financial condition of the State.

I feel that this is a measure that does not require any eloquent advocacy to commend itself to the members of this House—to my friends on this side of this House. After all, when we are talking of responsible government, we should not ignore the fact that responsible government in the larger sphere of the nation should be preceded by considerable experience obtained in running local institutions, whether they are Village Panchayats or Municipal Councils. No doubt, there is the desirability of bringing in intermediate institutions like Taluk Boards and District Boards. But the non-introduction of a measure creating these institutions will not be in itself an argument against the acceptance of the measure before the House. I support the motion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I beg to ask Mr. Krishna Aiyangar whether he is in favour of a taluk officer overriding the decision of a Village Panchayat.

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That question is not before the House. And I do not feel the necessity for answering any gratuitous assumption as to what provision would be made in regard to that later on. There is this Council. I myself believe that it will be open to these village institutions to bring to the notice of this Council the undesirability of retaining a sort of officers whose status and position certainly would not be consistent with the self-respect of these institutions in the matter of being overruled. This is a matter of detail. At present, we are concerned only with the desirability or otherwise of creating these institutions and giving them a statutory basis. Viewing them in that light and without allowing my judgment to be warped by extraneous considerations, I have not the slighest doubt in my mind that the Village Panchayat institutions are precursors of untold blessings to the peasantry and the population at large.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is the Deputy President aware that there is a provision in the present Bill which virtually lays down that an officer of Government is competent to override the decision of a Village Panchayat?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): When I pleaded for autonomy, I was thinking of two factors, one a wise guidance by people who have gained administrative experience, and the other an entire absence of any unsympathetic interference with the judgment of these institutions. Even when these institutions may go wrong in a matter of detail, they must be allowed to commit mistakes and learn. If we are told that the country is not ripe for it, when shall we be ripe for it? When this Council was started, there was an apprehension on the part of some people that it was going to wreck the country. I do not think that their apprehensions have been realised. We shall be never fit for anything unless we put our hand to it, commit mistakes and become wiser and ask for modifications to the statute. That is the light in which, as I said at the outset, I view the present Bill; and I do not say that it is an absolutely perfect measure, but I consider it as a first instalment of an earnest attempt made in the direction of creating village institutions and therefore welcome it whole-heartedly.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): Sir, in supporting the principle of the Bill, I beg to observe that the provisions in the Bill relating to the village fund are not very happy. The people in Travancore are already over-taxed

PRESIDENT: A little louder, please.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): In municipalities, the people, especially in the suburbs, are dissatisfied in that they do not realise benefits in porportion to the numerous taxes they pay. Except in Nanjinad, the *pakuthi* in Travancore is a contiguous and extensive village. The area of many *pakuthies* is 50 to 100 square miles. So the benefits contemplated by the Bill may not be

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[Mr. A. Hoogewerf.]

realised by the villagers in such big *pakuthies*. In such cases, it will be very hard to impose additional taxes and cesses on these villagers. By the Royal Proclamation, people are assured that land tax will not be enhanced for thirty years from the date of the settlement. And people are likely to misunderstand the intentions of the Government if any more tax is levied on land. So, I would suggest that a certain percentage of the land tax collected in each *pakuthi* be given to the Panchayat as Government contribution.

Mr. T. K. Velu Pillai has shown how difficult it will be to find competent members to serve on the Village Panchayats in our villages. But I am afraid that even the few members that the Government may find in the villages will be scared away by the provisions of section 57 of the Bill. Any member of a Village Panchayat may be removed for misconduct or gross negligence; but he should not be made liable for acts done in his official capacity. With these observations, I support the principle of the Bill.

MR. A. HOOGEWERF (*Nominated*): Sir, I also support the principle of the Bill, but with big reservations. A great deal has been said about the failure of the administration of municipalities. There is much of truth in it. The percentage of attendance quoted by Mr. T. K. Velu Pillai is very disheartening and the report that we heard about municipal administration is also not very reassuring. The fact that we see so many empty chairs here today in spite of this important Bill being discussed here, which concerns very much the interests of the people down to the villager, is also a sad commentary on the Legislative Council. All the same, these are not reasons why we should give up municipal administration or the Legislative Council. These are mistakes that are bound to happen in the initial stages of all popular institutions. A great deal was said against the Panchayat Judges who would be corrupt. Some time ago, our own Judges and Magistrates were very corrupt; but those days are past. We have now got a very pure Judiciary and Magistracy. So, it is time that we ask for these changes. But there is a tendency to copy most of the things or nearly everything that is in British India, without taking note of local conditions. I heard a great deal said about the villages. Mr. T. K. Velu Pillai rightly said that the village in Travancore is different from that in British India. There, it is a compact unit where all live together in houses constructed in one row. Here we live scattered all over the place, and the village is *non est*. It is all an open country. Of course, there is a great deal of difference in regard to Nanjinad, as Mr. Daniel pointed out. As regards Nanjinad and Shencottah, the villages are like those in British India; but, in Travancore as a whole, as Mr. Nidiry said, there is no village of the compact form that obtains in British India.

Now, the most important thing that has been stressed is the financial condition of these institutions. As rightly observed by my friend

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Mr. G. Paramesvaran Pillai, and Mr. Krishna Aiyangar, the Deputy President, unless we place these administrations on a sound financial basis, they are sure to collapse and we shall be building our houses on sand. That is the crux of the whole matter. Now, how are we going to manage the Village Panchayat institutions? How are we going to raise funds? People are already over-taxed, almost to the breaking point. Are we going to tax them again? After all that is said and done, what is the tax that we are going to get out of them? It is like getting blood out of stones; you may get a few hundred rupees. The Government said: "We would double the amount that we get from them". Well, that is an aspect of the question which I think has to be seriously considered. Local self-government and all such things are absolutely sound in principle. We cannot come up to perfection all at once, and we must tumble like little children before they stand on their feet. A man who first tries to learn to swim has often to drink a lot of water before he is able to keep himself afloat and move along. But, as rightly observed by my friends, the keynote of the whole scheme is the financial aspect of the question, and I take it that, when the Bill is taken up by the Select Committee, this important question of unnecessary duplication of the burden which is near breaking point will be seriously considered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am thankful to the learned Law Member as well as to the Deputy President for the announcement that this measure is in support of the principle of the extension of local self-government to rural areas. But for such announcement, that is to say, had I been left merely to an examination of the provisions of the Bill, it would have been very difficult for me to find out that principle from the provisions thereof. Since the learned mover as well as those gentlemen who are in support of the measure assure the House that it is a step in aid of the extension of local self-government, it is very difficult for anybody to oppose the principle of the Bill, without distrusting such assurance. But, except for the phrase 'local self-government' occurring in connection with the presentation of this Bill before the House, there is very little in the Bill itself to indicate that it is in that direction. The learned mover referred to the representations made at various Sessions of the Sri Mulam Popular Assembly to the effect that the people demanded a share in the matter of local self-government. What must have been the reason that led the people to make this demand, is the first question to be considered. In the present circumstances, it is clear that the necessity arises because the needs of the rural areas are not properly served by the official agency. This is the main conclusion to be arrived at from such demands. Naturally, people in the rural areas think that they would mind their own business if the Government would allow them to do so. That is the meaning of the agitation in support of the principle of local self-government. Government evidently took note of these demands, and my friend Mr. Subba Aiyar, with his characteristic shrewdness, has been at pains to weave a bill out of these demands. He now

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[Mr. P. K. Narayana Pillai.]

tells us that the rural areas are at perfect liberty to manage their own affairs controlled by the Government, provided they would make their own funds to do the needful for themselves. If that is local self-government, I fear the various representatives of the people at the Assembly would certainly have withdrawn these demands put forth by them.

It is first of all not local self-government, for, the various provisions in the Bill now presented to the House clearly indicate the fact that at every turn the so-called corporate body, the rural Panchayat, is to be controlled either by the Government as a whole, or by some officer of Government as isolated. Such a body can never be said to be a self-governing body at all. Further, it may also be seen that the persistent demand with respect to the various necessities in the various rural areas may now be taken as doomed for ever, so far as the Government are concerned. For they indicate that the people of the rural areas must be satisfied by their being authorised to open courts and to tax themselves hereafter for their necessities. The Deputy President says: "If you want local institutions, should you not tax yourself?" Sir, unfortunately, that was not the understanding. Hitherto, the rural areas used to be taxed for all the needs of the State including the local institutions. Hitherto, the rural areas had been sufficiently starved and now we tell them: "You have no concern with the State. You mind your own business." This is rather hard. At this stage, the Deputy President comes and tells us: "You should tax yourself if you want local self-government". Therefore, when my friends Messrs. T. K. Velu Pillai and G. Paramesvaran Pillai pointed out that there must be a *definite* assurance as to the ratio of the contribution from the Government, I thought that a strong case had been made out. My friends pointed out that even excise and land revenue might be handed over to these Panchayats and that they might be allowed to collect those revenues. If the Government are prepared to allow them to collect the revenue on the understanding that the balance after meeting their requirements may be handed over to Government, I think that would prove the sort of trust to be placed in such bodies. Instead of that, what the Government say is that they will determine the ratio the local bodies can claim from Government. Much cannot be placed in the shape of reliance on such assurances even when they are incorporated in the Statute Book. So it is clear that after all the Government are not prepared to allow participation in revenue administration to these local bodies that they are going to create. Government have also said that they are prepared to delegate portions of other administrative functions to these Panchayats. Even such provisions are not above suspicion—I beg to be excused for the expression which I use—for no Village Body or Panchayat is at liberty to take cognisance of cases with which any Government servant has anything to do. Let us take the case of an ordinary *Masappadikaran* who is entrusted with the task of realising land revenue—a man getting Rs. 6 or Rs. 7 a month. Suppose his

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cow is responsible for an offence under the Cattle Trespass Regulation, which the local Panchayats are given the power to administer. In such a case, if the offender happens to be a paid servant of the Government, even a person of the status of the Deputy President, who may happen to be the President of the Panchayat Court, will have absolutely no power to take cognisance of the offence of such a *Masappadikaran*. Again, note that even the richest man in the locality, who is not a Government servant, is liable to be proceeded against by the local Panchayat, while even low-paid Government servants are not under its jurisdiction. That clearly indicates the extremely unsubstantial nature of the powers that the Government are prepared to confer on these Village Panchayats and the status that the Government are prepared to invest such bodies with.

Then again, Government have also taken care to see that the Village Panchayats do not exercise any jurisdiction over any European offender. I ask, why? The European has not been excluded from voting at the elections to the local Panchayat.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): We have no power to legislate with reference to them.

MR. P. K. NARAYANA PILLI (*Ambalapuzha*): But, I say it is iniquitous, and it would be clear from the following facts. The Bill does not prohibit Europeans resident in the locality from taking part in the election of members. A European resident may get any man he likes into the Panchayat as member and at the same time he himself would be immune from the proceedings of the Panchayat. On the face of it, it is iniquitous.

Secondly, I beg to submit that I do not at all care for the glory of exercising anything like jurisdiction over European gentlemen. But for the stability and proper conduct of the institutions, it is better that European gentlemen also are brought under the jurisdiction of these Panchayats. It is for the purpose of stabilising these local bodies that I maintain that the curtailment of jurisdiction as against European residents in the localities is not a very wise step. I consider the existence of a few European members in this Council as a source of strength to the Council. Viewed in that light, I would suggest that it is better that Village Panchayats be constituted for European gentlemen as well, and that the jurisdiction against Europeans also be conceded in favour of the Panchayat.

Then again, Government, as I said, seem to be in a very dubious position with respect to the competence of the body that they propose to create. Apart from that, I am not able to understand the other provision prohibiting legal practitioners from appearing before the Panchayat. I do not know if it is due to the fear that the legal practitioner will be a source of bewilderment to the members of the Panchayat. If that is the reason, evidently in the rural parts of the State, only persons who have not got any grasp over the law that they are going to administer can become members of the Panchayat. I

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[Mr. T. Kumara Pillai.]

think a measure of that description is not entitled to succeed at this distance of time. Of course, so far as Mr. Subba Aiyar is concerned, he himself told us that, in point of literacy, Travancore is not backward. That being the case, I do not see any reason why the legal practitioner should be considered to be a bugbear or a vampire.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): He will be a burden.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is for the party to consider. Whether to go in for the luxury of a legal practitioner or not is the outlook of the party. It cannot be the outlook of the court. In the Punjab, we heard that, when martial law was in full swing, legal practitioners were not allowed to step in. That is the only occasion in recent years on which we heard of prohibition against legal practitioners. That also indicates the sort of mentality which the Government have with respect to the nature of the Panchayat that they are going to bring into existence.

With respect to civil jurisdiction, even the Madras Village Courts Act—Act I of 1886, if I recollect correctly—lays down provisions for the rectification of errors liable to be committed by Village Courts, so much so, that the District Munsiffs and District Judges have got authority to interfere in cases where they see that these bodies go wrong. I do not see any such provision in our village Panchayat Regulation. I would submit that, in view of the practically incompetent nature of the body that we are going to set up, sufficient provisions and safeguards are necessary.

I think I have already touched upon the point of finance. That point has already been pressed by my friends, especially by Mr. G. Parameswaran Pillai; and I am in full sympathy with what he has given expression to on that subject. With these observations, I would submit that this Bill may go to the Select Committee, but to be *thoroughly* recast from the standpoints urged so that it may become a legislation of utility to the people at large. The provisions of the Bill, as they are at present, do not warrant the Bill being sent up to the Select Committee at all. However, in the hope that the whole thing will be reframed by the learned mover of the Bill himself, I am of opinion that it may be allowed to go to the Select Committee.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന വില്ലേജ് പഞ്ചായത്തുബില്ലിന്റെ സാമ്പ്രദായവിവരണത്തിൽ അതിന്റെ ആവശ്യകതയെപ്പറ്റി പ്രധാനമായി പറഞ്ഞിട്ടുള്ളത് ഉൾനാടുകളിലുള്ള ജനങ്ങളെ പ്രദേശികമായ സ്വതന്ത്രഭരണം പരിശീലിപ്പിക്കുന്നതിനും അതിലേക്ക് അവരെ പ്രാപ്തന്മാരാക്കിത്തീർക്കുന്നതിനും വേണ്ടിട്ടാണ്. ഇങ്ങനെ ഈ ബില്ലിൽ അന്തർഭവിച്ചിട്ടുള്ളതായി പറയുന്ന ഈ മൂലതത്വത്തെ ഞാൻ അനുമോദിക്കുന്നു.

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ഈ ബിൽ ഉൾനാട്ടിലുള്ള ജനങ്ങളെ നേരിട്ടു ബാധിക്കുന്നതു കൊണ്ടും, ഞാൻ ഉൾനാട്ടിൽനിന്നു വന്നിട്ടുള്ളതുകൊണ്ടും, ഇതിനെപ്പറ്റി പലേ മാന്യന്മാരോടും സംസാരിക്കുന്നതിനും, വാദിക്കുന്നതിനും, അവരുടെ അഭിപ്രായങ്ങൾ അറിയുന്നതിനും ഇടയായിട്ടുണ്ട്.

നാം അദ്ധ്യായത്തിൽ വില്ലേജ് പഞ്ചായത്തുകൾ നടത്തേണ്ടജോലികളെപ്പറ്റി ഫസ്റ്റ്-ഷെഡ്യൂളിൽ വിവരിച്ചിരിക്കുന്നു. ഫസ്റ്റ്-ഷെഡ്യൂളിൽ വിവരിച്ചിരിക്കുന്ന പലേകാര്യങ്ങളിൽ വില്ലേജുകളിലുള്ള റോഡുകളും, അവിടത്തെ ഗോവസൂരിപ്രയോഗവും മാത്രമേ ഉൾനാട്ടിലെ ജനങ്ങൾക്കുവേണ്ടി ഗവർൺമെൻറിൽനിന്നും കൈയ്യേറു നടത്തപ്പോരുന്നുള്ളൂ. അതിൽ പറയുന്ന മറുകാര്യങ്ങളെപ്പറ്റി അന്വേഷണമില്ലാതെ അവിടേയുള്ള ജനങ്ങൾ സങ്കടങ്ങൾ അനുഭവിച്ചുപരികയാണു ചെയ്യുന്നത്. ഉൾനാടുകളിലുള്ള പല ഗ്രാമങ്ങളും അധികൃതന്മാർ കണ്ടിരിക്കാൻ ഇടയില്ലാത്തതുകൊണ്ട് അവിടത്തെപരമാർത്ഥമായ സ്ഥിതികൾ അറിയാൻ തരമില്ലാത്തതാണ്. അവിടത്തെജനങ്ങൾക്കു കുടിക്കാനോ കുളിക്കാനോ നല്ല ജലമില്ല. ശുദ്ധീകരണവും അതിന്റെ ഗുണവും അവിടെയുള്ളവർക്ക് അനുഭവിച്ചറിയാൻ ഇടയായിട്ടില്ല. അവരുടെ കുട്ടികളെ വിദ്യാഭ്യാസം ചെയ്യിക്കാൻ ആവശ്യം വേണ്ടതായ സൌകര്യങ്ങൾ അവർക്കില്ലാതിരിക്കുന്നു. സുഖക്കേടുകൾ വന്നാൽ അവർക്കു മരുന്നു കിട്ടാൻ സാധ്യമല്ലാതിരിക്കുന്നു. പകർച്ചരോഗങ്ങൾ വന്നാൽ, അവരുടെ കന്നുകാലികൾക്ക് അങ്ങനെയുള്ള അവസരങ്ങളിൽകിട്ടിവരുന്ന ശുശ്രൂഷകൾപോലുമില്ലാതെ അവർ മരിക്കുന്നു. ഇതിലേക്കു ദൃഷ്ടാന്തങ്ങൾ പറയാൻ പ്രയാസമില്ലാത്തതാണ്. സമ്പല്കാലങ്ങൾക്കുമുമ്പു തെക്കൻതിരുവിതാംകൂറിലെ ഉൾനാടുകളിൽ മസൂരിരോഗം കലശലായി ഉണ്ടായിരുന്നു. ആ കാലത്ത് അവരെ അന്വേഷിക്കാനോ അവർക്കു വേണ്ട സഹായങ്ങൾ ചെയ്തുകൊടുപ്പാനോ അധികൃതന്മാരെ ആരിക്കിൽ കാണ്മാനില്ലായിരുന്നു. ഈ സങ്കടാവസ്ഥയെപ്പറ്റി ഞാൻതന്നെ ഇവിടെവന്നു ദിവാൻജിയവർകളോടു പറയേണ്ടതായിവന്നു. സക്കീട്ടിലിരുന്ന സാനിട്ടറികമ്മീഷണർക്കു കമ്പി അയച്ച് അങ്ങോട്ടു പറഞ്ഞയച്ചു. പിന്നത്തെ കഥ അതിലും വിശേഷമായിരുന്നു. ചുരുക്കിപ്പറയുന്നതായാൽ, ചില ഗ്രാമങ്ങളിൽ മരിച്ചുപോയവരുടെ പ്രേതങ്ങളെ കാലാകാലങ്ങളിൽ മറവുചെയ്യുന്നതിനുപോലും സാധിക്കാതെ ജനങ്ങൾ പലേസങ്കടങ്ങളും അനുഭവിക്കേണ്ടതായി വന്നിട്ടുണ്ട്. ഈ സ്ഥിതികളെ പരിഹരിക്കാനായിട്ടാണ് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതെന്ന് ഈ അവസരത്തിൽ സമാധാനം പറയാവുന്നതാണ്.

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[Mr. T. Kumara Pillai.]

എന്നാൽ വില്ലേജ് പഞ്ചായത്തുകൾക്ക് ഈ വക ജോലികൾ നടത്തുന്നതിനുള്ള പണത്തെപ്പറ്റിയാണ് ഇനി ചിന്തിക്കാനുള്ളത്. ഇതിലേയ്ക്ക് ഈ ബില്ലിൽ ൪ ൫, ൫൫, ൫൬ ഈ വകുപ്പുകളിൽ പലേ വഴികളും നിർദ്ദേശിച്ചിരിക്കുന്നു. അതിൽ ൫൬-ാമത്തെ വകുപ്പിൽ അവിടെയുള്ള ഭൂമികൾക്ക് ഒരു നികുതി ചുമത്താമെന്നുകൂടി നിശ്ചയിച്ചു കാണുന്നു. അത് ഒരിക്കലും ന്യായമായിരിക്കയില്ല. വില്ലേജ് പഞ്ചായത്തുകൾ ഏർപ്പെടുത്തുന്ന സ്ഥലത്തെ ജനങ്ങൾ ഭൂനികുതിയായും മറ്റു വഴികളിലായും കൊടുത്തുവരുന്ന നികുതിഭാരങ്ങളിൽനിന്നും അവരുടെ അത്യാവശ്യമായ സുഖസൗകര്യങ്ങൾക്കു ന്യായമായ ഒരു ഓഹരി ചിലവാക്കേണ്ടതു ഗവർൺമെൻറിന്റെ കടമയാണ്. ഈ കടമയെ സാധിച്ചുകൊടുക്കാതെ അതിൽനിന്നും ഒഴിയുന്നത് ഒരിക്കലും ന്യായമായിരിക്കയില്ല. ഉൾനാട്ടിലെ ജനങ്ങൾക്കു മറ്റുള്ളവരെപ്പോലെ സുഖസൗകര്യങ്ങൾ അനുഭവിക്കണമെങ്കിൽ അതിലേക്ക് അവർ പ്രത്യേകം പണമുണ്ടാക്കിക്കൊള്ളേണ്ടതാണെന്ന് എന്റെ മാന്യസ്നേഹിതന്മാരിൽ ചിലർ അഭിപ്രായപ്പെട്ടിരിക്കുന്നു. ഉൾനാട്ടിലെ ജനങ്ങൾ കൊടുക്കുന്ന നികുതിഭാരത്തിന്റെ ന്യായമായ ഒരു ഓഹരി അവർക്കുവേണ്ടി ചിലവാക്കിയതിൽ പിന്നീട് അവരുടെ കൂടുതൽ സുഖസൗകര്യങ്ങൾക്ക് അവർ കൂടുതൽ പണം ഉണ്ടാക്കിക്കൊള്ളേണ്ടതാണെന്നുള്ള തത്വം ന്യായമാണെന്നു കരുതാവുന്നതാണ്. അങ്ങനെ ചെയ്യാതെ വില്ലേജ് പഞ്ചായത്തുകളുടെ നടത്തിപ്പിനുവേണ്ടി അവിടെയുള്ള ഭൂമികൾക്ക് ഒരു പ്രത്യേക നികുതികൂടി ചുമത്തുന്നത് ഒരിക്കലും ന്യായമായിരിക്കുന്നതല്ല.

൫൫-ാമത്തെ വകുപ്പിൽ ൫-ാമത്തെ ഖണ്ഡത്തിൽ വില്ലേജ് പഞ്ചായത്തുകൾക്കു ഗവർൺമെൻറിൽനിന്നും ഒരു തുക കൂടി കൊടുക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതായി കാണുന്നു. അങ്ങനെ ഗവർൺമെൻറു കൊടുക്കാൻ ഉദ്ദേശിക്കുന്ന തുകയെ ആ വകുപ്പിൽ വ്യക്തമായ ഭാഷയിൽ വിവരിച്ചു പറയേണ്ടതു അത്യാവശ്യമായിരിക്കുന്നു. മുൻസിപ്പാലിറ്റികൾക്കു ഗ്രാൻറുകൊടുക്കാമെന്നു മുമ്പു ഗവർൺമെൻറിൽനിന്നും സമ്മതിച്ചിട്ടുണ്ടായിരുന്ന നയത്തെ ഭേദപ്പെടുത്തി അവർതന്നെ പണമുണ്ടാക്കി ചിലവാക്കിക്കൊള്ളണമെന്നും ഗവർൺമെൻറു പണം അതിലേയ്ക്കു ചിലവാക്കാൻ പാടില്ലെന്നും വന്നിരിക്കുന്നു. അതുപോലെതന്നെ ചന്ത റഗുലേഷൻ നിയമസഭയിൽ ഹാജരാക്കിയ കാലത്തു മിസ്റ്റർ ടി. കെ.

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വേലുപ്പിള്ള അതിനെ എതിർത്തു വാദിച്ചപ്പോൾ പന്തയിൽനിന്നും കിട്ടുന്നപണം മറുകായ്ങ്ങൾക്കു വിനിയോഗിക്കയില്ലെന്നും, ആ വക പണം മുഴുവനും അതുകളുടെ അഭിവൃദ്ധിക്കായിത്തന്നെ ചിലവാക്കാനാണ് ഉദ്ദേശിച്ചിട്ടുള്ളതെന്നും ആ കാലത്തു സമാധാനം പറഞ്ഞിട്ടുണ്ടായിരുന്നു. ആ കാലത്ത് അങ്ങനെ സമാധാനം പറഞ്ഞു എങ്കിലും, ആ അഭിപ്രായം ഇപ്പോൾ മാറി ഒരിനത്തിലുള്ള വരവിനെ ആ ഇനത്തിൽതന്നെ ചിലവാക്കണമെന്നുള്ള നയം ഗവർൺമെൻറിനു സ്വീകരിക്കുവാൻ പാടില്ലെന്നു വന്നിരിക്കുന്നു. ഈ ദൃഷ്ടാന്തങ്ങൾകൊണ്ടു ഗവർൺമെൻറിൻറെ ഭരണനയങ്ങൾ ഓരോ കാലങ്ങളിലേയും സൌകര്യങ്ങൾപോലെ മാറി വരുന്നു എന്നു സമ്മതിക്കാതെ തരമില്ല. അതിനാൽ വില്ലേജ് പഞ്ചായത്തുകൾക്കു ഗവർൺമെൻറു കൊടുക്കാമെന്നു സമ്മതിക്കുന്നതായ തുകയെ ആ വകയിൽ വ്യക്തമായി പറയാതിരിക്കുന്നപക്ഷം കാലക്രമംകൊണ്ട് അവയുടെ നടത്തിപ്പിന് അതാതു സ്ഥലങ്ങളിലെ ജനങ്ങൾതന്നെ പണമുണ്ടാക്കിക്കൊള്ളണമെന്നുള്ള നയം സ്വീകരിച്ചേക്കുമെന്നുള്ള ഭയം പലർക്കും ഉള്ളതാണ്.

മറെറാരു കാര്യം എനിക്കു പറയാനുള്ളത്, ഇപ്പോൾ ഉൾനാടുകളിൽ ജാതിസ്വഭാവമിക്കവാറും ഇല്ലാത്തതാണ്. അവിടത്തെ സ്ഥിതിക്ക് എല്ലാജനങ്ങളും ഐകമത്യത്തോടുകൂടി പെരുമാറാതെ തരമില്ല. അവിടെ ബ്രാഹ്മണനു പുലയനും, പുലയനു നായരും, നായർക്കു ക്രിസ്ത്യനും കൂടാതെ കഴിഞ്ഞുകൂടാൻ പ്രയാസമാണ്. ഇങ്ങനെ കഴിഞ്ഞുകൂടുന്നതായ ഉൾനാടുകളിൽ, വില്ലേജ് പഞ്ചായത്ത് നിയമം പരസ്യമായി വരുന്നതോടുകൂടി, പട്ടണങ്ങളിൽ പ്രചരിച്ചിട്ടുള്ള ജാതിസ്വഭാവം കടന്നുകൂടാതിരിക്കത്തക്കവണ്ണം വേണ്ട കരുതലുകൾ ഉണ്ടായിരിക്കേണ്ടതാണെന്നുള്ളത് എല്ലാവർക്കും അത്യാഗ്രഹമുള്ള സംഗതിയാണ്.

MR. M. N. PILLAI (*Trivandrum*): Sir, I am sorry I have to oppose the Village Panchayat Bill. The object of this Bill is said to be to foster and develop local self-government in the rural areas of Travancore. First of all, there are no villages proper in Travancore excepting in the few Tamil taluks. The houses are scattered in *pakuthies* and it will be a difficult thing to confine the jurisdiction of each Panchayat to a village. The people can never believe that these institutions are going to benefit them; on the other hand they rightly fear they are going to be burdened with additional taxation on the already overtaxed people. The success of the existing Panchayat Courts, Bench Magistrates' courts, etc., is not at all encouraging and it is in a way a source of trouble to the people. Villagers who are enjoying security from the ever-increasing taxation of local bodies are going to be disturbed from their peaceful

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[Mr. C. P. Kochukunju Pillai.]

seclusion and exposed to the vagaries of such local self-governing bodies. I am not opposed to the principle of associating the people with the local administration of their own affairs and nobody will be against it. But my experience of the municipal institutions and Panchayat Courts is so disappointing that I am forced to believe that this Bill will not be useful for that purpose. The difficulties to get a quorum for a meeting even in towns are so great and the difficulty will be greater in country parts. If the clauses relating to the administration of justice and taxation are deleted from the provisions of this Bill, I think I may not have much objection in supporting this Bill. An additional taxation is to be imposed on the people without corresponding benefits being conferred. I am opposed to any kind of taxation whether by local bodies or the Government. With these words, I oppose the Bill.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Sir, I rise to support the principle of the Bill. It has been said that the creation of such a recognised or responsible body of men in the different parts of the State has become an absolute necessity. The cause of the poor villagers is always neglected. There is neglect on the part of our local officers in the matter of roads, canals, ferries and all such facilities and also in respect of other facilities, in the matter of agriculture and relief from epidimic diseases. Formerly there have been in existence, as has been stated, many Village Panchayats which have now become extinct except in South Travancore, as Mr. Paul V. Daniel has put it; and, also, in former days, the officers were in their circuits halting at places and inviting complaints against the actions of the officers and also investigating local complaints. But in these days all such officers are found to fly away in motor cars. As a matter of fact, even the former Dewans, Mr. V. P. Madhava Row and Mr. Shungrasoobyer used to halt at places, and all the Dewan Peishkars too halted for a day or two, or, in very many cases for a certain number of days, hearing complaints every morning and evening. In these days, such a practice has come to a dead stop and this fact also has necessitated the creation of a responsible body of men in the rural areas.

The need for the development of self-government has also necessitated the creation of such a body of men. The creation of such Panchayats is therefore a matter to be welcomed by this Council. The two reasons put forward regarding this measure are the fear about further taxation and the fear on the part of the people that all the money now allotted for the works which the Government ask the Panchayat to carry out will not be placed at the disposal of the Panchayat. As for further taxation, it is a matter to be considered in detail, an unknown factor more or less depending upon the circumstances or the nature of the works and so on.

Coming to the financial provisions, I do not agree to clause 8 of section 45, as it is. This would make us believe, and Mr. Subba Aiyar has told us, that the Government will be pleased to place at the disposal of the Panchayat only such sum as will be equal to the money that

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is being collected by the Panchayat itself. That is not enough. The wording of this clause should be definite. A definite sum has to be fixed, taking into consideration the money that is now available for the purposes contemplated in the Bill.

In regard to certain other provisions also, there is a difference of opinion, and they too require reconsideration. The duties of the Panchayat, as has been mentioned, are either obligatory or discretionary. While the construction and maintenance of village communications, cleaning of streets, supply of drinking water, control of cattle-pounds and enforcement of sanitation and vaccination are included in the category of obligatory duties, primary education, street lighting, the improvement of agriculture and the promotion and encouragement of cottage industries are classed among discretionary duties. I submit this is not enough. The improvement of agriculture included in the category of discretionary duties must be in the list of obligatory duties. Again, it is stated that it is open to the Government to empower the Panchayat to exercise the powers and discharge the functions of an Irrigation Board. I am of opinion that the functions of an Irrigation Board have also to be included in the list of obligatory duties.

The non-engagement of Vakils in criminal or civil cases has also to be reconsidered.

Clause 61 says:

"Our Government may by a notification in our Government Gazette delegate any of the powers vested in them under this Regulation to any officer of and above the rank of a Division Peishkar or to any local authority."

I am of opinion that the words "to any local authority" have to be deleted from the Bill.

PRESIDENT: Local authority does not mean an officer, but is intended to refer to a District Board or some such body that might be created.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Then I have no objection to the words being retained.

Then again there are certain other provisions in the Bill requiring reconsideration. With the hope that all these provisions will be thoroughly discussed in the Select Committee, I support the principle of the Bill.

MR. M. K. KHADIR PILLAI (*Nominated*): I rise to support the Bill before the House. I do not think that this Bill will, as apprehended by some members, give room for embittering communal feelings. I know that some of these Municipalities that have been in existence for more than 15 years are not levying all the taxes and that Government are not pressing them to do so. I am of opinion that, if this Bill becomes law, it will be welcomed and prove beneficial. I hope that the Select Committee will carefully consider the points already urged in respect of the Bill.

MR. T. LAKSHMANAN PILLAI (*Nominated*): Sir, I rise to support the principle of the Bill. I do not endorse every one of the provisions at present made in it. A period of probation is certainly

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[Mr. S. Subrahmanya Karayalar.]

necessary for the village people who have not yet been acquainted with western methods of self-government, to enable them to successfully and satisfactorily tackle the problems of village self-government on up-to-date lines. But village self-government is not a new thing in India. It was known and practiced by the ancient Hindus. In South India, it was known to the Tamilians at the time of Kulottunga Chola, in A. D. 1086. It was general throughout South India from the 10th century A.D. "Each village", says the South Indian historian, "was a self-governing unit and had its general assembly which annually elected the executive body of the village known as the Great Men of the Village. Besides these, there were several working committees for looking after the various branches of village administration. Precise rules governed the election of members to the various bodies of the village." It will not be contended that a system which was in vogue several hundreds of years ago would be unsuitable at the present age and in such a country as Travancore. The provisions, it seems to me, which have to be worked with caution, are, as has been pointed out by some friends here, those relating to the financial and the judicial functions. The Village Panchayat need be invested with judicial powers only in cases and places where men prove themselves fully competent to wield them with benefit and advantage. As for financial help, it goes without saying that the people will have to contribute for whatever good they desire to enjoy. I submit it would be only fair for the Government to set apart a fixed contribution from the general revenues for utilisation by the Panchayat in cases where the objects for which it is utilised are identical with those served by the departments of Government. Here the advantage is that the amounts will be spent with a better eye to the needs of the village and the work done more cheaply and satisfactorily than otherwise.

The other advantages accruing from the working of the village Panchayat are incalculable. The great points are the opportunity it would afford for popular education in the matter of local self-government and the evolution of civic consciousness. The value of these institutions as authentically representing the needs and grievances of the local people and the help they would render to administration in general are too great to be ignored by Government. I am not forgetful of the fact that there will be grave mistakes in the initial stages, but we would willingly run that risk under the principle that it is better to do five things and make two mistakes than to do nothing at all and make no mistake.

If the Bill is recast with due modifications after reconsideration by the Select Committee, I have no doubt that it will inaugurate an important era in the advancement of the people towards self-government.

With these observations, I support the principle of the Bill.

MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): Sir, I beg to support the Bill in principle, for a more magnificent piece of legislation cannot exist on the face of the earth

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than this Bill; for, it attempts to give power to a unit of the State. But with regard to the details of the Bill, the *pros* and *cons* may be discussed in detail and proper solutions be arrived at.

I am not a lawyer and so I cannot talk like a lawyer. I am a businessman and so I must look at the Bill from a business point of view. A businessman never expects to obtain profit without an investment. From the business point of view, the idea of looking upon the Government as the sole source for providing funds for all our comforts and necessities strikes at the root of peoples' ambition for self-government. If people require self-government, they must necessarily find sufficient funds for working it up.

If small units of government such as Village Panchayats, municipal bodies, Taluk Boards and District Boards are formed and made self-supporting, then the general revenues which fill the coffers of Government may, with advantage be utilised for purposes which benefit the mass of the population as a whole.

The Village Panchayat is nothing but a combination of the management of several houses of which the village is composed and the expense of which is met by the headmen of the houses.

As England expects every man to do his duty, it is high time to expect every village to look after itself leaving the Government time to look after the general management of the country and freedom to utilise the general revenues for concerns affecting the masses.

Under the above circumstances, I strongly support the Bill in principle, the details being considered in due course.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I shall make a few remarks with reference to some of the observations made by the non-official members of the Council in connexion with this Bill. The first attack made against the Bill was by Mr. P. K. Narayana Pillai. He had to be told that the Bill is intended for the purpose of fostering and developing local self-government. I did not think that he would be so uncharitable as to say that by a reading of the Bill he could not come to such a conclusion; because, anybody reading the Bill will know that a Panchayat consists of a body elected, which has got absolute powers to collect and dispose of money and to attend to certain duties that are mentioned in the Bill and which has autonomy to a very large extent. The control of the Government mentioned there is simply to help these institutions in their working at the initial stage, and the control may be wholly relaxed after a certain time. Except that, I can say that there is nothing in the Bill which cannot make my friend think that it is brought with a view to foster local self-government.

Then, with reference to other matters mentioned by Messrs. G. Parameswaran Pillai and T. K. Velu Pillai, they contend that it was promised that the District Board, the Taluk Board and the Village Board would all be simultaneously constituted and that we have only got village Panchayats now and that we do not know what has become of the

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[Mr. V. Subba Aiyar.]

others. They say that, unless the powers and duties of all the three are correlated, it will be too early to discuss the present Bill. With reference to that, I may say that I doubt very much whether Taluk Boards will be necessary at all in Travancore seeing that the area is small. Even elsewhere, there is often considerable friction between the Taluk Board and the District Board as to their respective duties and responsibilities, and it is unsafe to have any Taluk Board at all here. Secondly, with reference to the District Board, we must in the first place begin from the bottom, and once we establish the Village Panchayat, if it becomes necessary to have a District Board, we have only to make the necessary provision in the Regulation with respect to the District Boards and amend the Panchayat Regulation itself, if necessary, later on, so that I do not think that it is necessary to have both together. As has already been provided in the Bill, the Panchayat is completely autonomous in itself and is not subordinate to another body which is to be constituted. If such a body was constituted and if such a body exercised any control over the Panchayat, then it would be time to make suitable amendments and make provisions in the Panchayat Regulation itself.

Then with reference to the powers and duties of the Panchayats, I would once again point out that, from the classification as to the obligatory and discretionary duties now made, it cannot be said that there is anything like a hard and fast rule in regard to the provisions of the Bill in respect of them. It is open to the Select Committee to reclassify them and make the discretionary duties obligatory and the obligatory duties discretionary, or impose additional duties of either category. There is specific provision in the Bill to the effect that the Government may empower a Village Panchayat to take up any other duties that they may impose, so that it is sufficiently comprehensive. It is open to a Village Panchayat to take up any other duties.

One of the objections raised by my friend Mr. T. K. Velu Pillai is that there is no such thing as a village here. It has been sufficiently answered by Mr. Kumara Pillai who said that in every village we require medical help, sanitation, etc., irrespective of the fact that the houses may lie at a distance from one another and are not so contiguous as those at Nagercoil or Shencottah. I think this Regulation is absolutely necessary irrespective of the nature of the village.

And then, with respect to the question of taxation, Mr. P. K. Narayana Pillai says. "You better entrust the Panchayat with money and we will administer it." So far as I can see, this is not how self-government is always viewed. In other words, the principle ought to be to say that we will tax ourselves and spend the money.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether any Regulation is necessary for a person to spend his money?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, it is necessary for levying taxes.

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So far as the village bodies are concerned, Mr. Kochukunju Pillai and Mr. Paul V. Daniel said that there were *karas* and other associations representing every community and which were levying certain fees or contributions from every member constituting it a common fund so that the common expenditure might be met from that fund. In some places it has perhaps become extinct.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Will Mr. Subba Aiyar tell me how many *kara* associations exist in Travancore now?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said "existed." Mr. Paul Daniel says they existed in South Travancore.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): For all classes of people?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It may be. If particular classes can combine and work up their own interests by contribution, I do not see why the various communities in a particular village cannot work together leaving all communal differences aside. For that purpose, we have *Samuhams* which work for common interests and levy rates from their constituents. A village will have to make some sacrifices. Every year the budget is placed before the Council. I ask the members to seriously consider whether it is possible to allot all the 40 lakhs of rupees under land revenue or the 30 lakhs of rupees under excise to these village bodies. If we do so, how are we to carry on the administration of the State which is absolutely necessary in the common interest of all the subjects of His Highness the Maha Raja?

MR. A. HOOGEWERF (*Nominated*): I beg to know whether the Bill aims at teaching the people self-government, or is a means of devolving financial burden from the shoulders of the Government to the people.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is not intended to devolve financial burden. Year after year, when you go through all the needs that are referred to by the various members of the Assembly, you will find that it is not possible to attend to the needs of a single village by allotting funds for the same. That is not because the Government are unwilling to attend to the needs of that village, but because the demands on the public money are so many that it is not possible to give any substantial relief.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether there will be any probable decrease in the Government staff.

PRESIDENT: It does not arise. It is a matter of detail. It is a hypothetical question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What I said was that, in order that there might be an incentive to the village itself, in order to make the people responsible to themselves, the villagers should be allowed to raise some revenue according to the needs and condition of the particular village, the amount raised being left to the

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[Mr. V. Subba Aiyar.]

entire discretion of the village itself, and that the Government would contribute an equal portion. I daresay my friend Mr. Kumara Pillai raised a strong point when he said that it was not enough if the Government merely said that they would pay. What he wanted was an assurance from the Government as to what they would pay, as to what their contribution would be. I give the assurance and I do not think that there is any objection in putting that in the Bill at the Select Committee stage.

THE REV. FATHER KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): I wish to know whether Mr. Subba Aiyar is aware that the Cochin Village Panchayats have no power to impose fresh taxation, and that they are working successfully.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): To the latter portion I am not able to subscribe. But of the former I am aware. (*Laughter.*)

THE REV. FATHER KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): But still they get on.

PRESIDENT: You cannot make a statement. All that you can do is to put a question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government would contribute a particular amount, an amount equal to that which would be contributed by the particular village.

With reference to the judicial functions of the Panchayat, I may say that the moment a Village Panchayat is created, it does not begin to exercise judicial functions, because the chapter says that Government may, if they consider necessary, empower any Village Panchayat with civil and criminal powers and therefore I beg to submit that it should not give any cause for alarm.

With respect to the question raised by Mr. P. K. Narayana Pillai, regarding the trial of European subjects, I think we are powerless. I do not think that even the Chief Justice of the High Court has any jurisdiction over the European British subjects.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Neduvangad*): Will Mr. Subba Aiyar give an assurance in the case of Government officers, such as Tahsildars and others, that they will be made amenable to the Panchayats?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the majority are of that opinion, you can so modify the Bill.

Then with reference to the appearance of the vakil in the Panchayat Courts, I am strongly of opinion that he should have no place there. The Panchayat is intended to be like an arbitration court and is to decide where a particular man is guilty or not and not to be confronted with abstruse questions of law relating to evidence and other technical things.

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MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Is he aware of any arbitration court in any part of the world which exercises coercive powers inflicting criminal punishments ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : In olden days—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I mean the world of the present day.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : The vakils would make it more costly. We want only mere commonsense men and not trained lawyers. The presence of vakils would tend to protract cases. In the Madras Village Panchayat Act you will find that there is a specific provision—

MR. J. JOHN NIDIRI (*Changanachery* cum *Minachil*) : Is the vakil devoid of common sense ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : No.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I wish to know from Mr. Subba Aiyar whether he has at any time intentionally prolonged a case. (*Laughter.*)

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : If you try to make out the points that are required to prove limitation or to disprove the question of limitation or establish the elements constituting an offence or other circumstances under the technical law, then I say it will be prolonging.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : I wish to know from Mr. Subba Aiyar whether the rules of procedure obtaining in courts are applicable to Panchayat courts.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : No. The Panchayat courts are not to be guided by the ordinary rules of procedure. You will find that they are to be regulated by the rules of procedure that may be prescribed.

PRESIDENT : It is not a section essential to this. It may be considered by the Select Committee.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : It is not absolutely necessary. To my mind, introducing the vakil there will be dangerous to the harmonious working of the Village Panchayat. That is a matter which may be threshed out in the Select Committee. The various other points suggested by the members will also receive due consideration at the hands of that committee.

PRESIDENT : The question is that the principle of the Village Panchayats Bill be accepted.

The question was put to the vote and carried.

The Secretary to the Council then read the title of the Bill.

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[President.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that the Village Panchayats Bill may be referred to a Select Committee consisting of the following members:—

1. The Rev. Father Kuriakose Vettikkapalli.
2. Rao Bahadur K. A. Krishna Aiyangar.
3. Mr. M. R. Madhava Variar.
4. „ G. Parameswaran Pillai.
5. „ T. K. Velu Pillai.
6. „ Paul V. Daniel.
7. „ C. P. Kochukunju Pillai.
8. „ S. Parameswara Aiyar.
9. Rao Bahadur K. V. Rangaswami Aiyangar.
10. Mr. M. Raja Raja Varma.
11. Mr. V. Subba Aiyar.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): I wish to be excused.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I suggest that Mr. P. K. Narayana Pillai's name may also be included.

PRESIDENT: You may put in Mr. P.K. Narayana Pillai in the place of Mr. K. V. Rangaswami Aiyangar. I appoint the Deputy President as President of the Committee. The Committee will submit its report within three months.

We will now rise and meet again at half-past eleven to-morrow.

The Council adjourned at 4-33 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

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